Legal
Court

3 of 1875

Sl. No 1-4

Subs. Reports on the criminal and civil jurisdiction for 1875-76.

C. 1968

1876. 77 / 66

From The Judicial Commissioner in Mysore

To Secretary to Chief Commissioner, General Department.

Dated 26th June 1876.

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Submits Report upon the administration of Criminal and Civil Justice in the Province of Mysore during the year 1875.

Secy.

After the sections for Adm. Report have been passed. The J.C. Report will be sent to the Press. Draft Review will be prepared as soon as it has been returned back.

11/6 HSM.

Stats. & Summary are with Press. HSM.

Secy has ordered that only the J.C. Report is to be printed.

Draft review to Press
Mr. Butt 11/7/76

General No. 234/76

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Mysore Jud. Commr. Office
Bangalore 25th June 1876

22

From

J. D. Gordon Esqre. C. S. I.
Judicial Commissioner of
Mysore

To

The Secretary to the
Chief Commissioner of
Mysore

Sir,

I have the honor to submit the following report upon the administration of Criminal and Civil Justice in the Province of Mysore during the year 1875. Mr. Prinsep was Officiating Judicial Commissioner during the greater part of the past year, and he has separately reviewed the Criminal Administration of each District. This report will therefore be brief as compared with previous years' reports, and it will necessarily be confined

to a review of the Statistical statements which accompany it as usual

## Criminal Justice

Judicial Tribunals

Statement I

2. There were 134 Magistrates and 3 Sessions Judges exercising Criminal Jurisdiction on the last day of the year, and there were 20 Magistrates fewer than in the previous year, owing to the abolition of 7 Taluks in connection with the establishment of Munsiffs' Courts in the Ashtagram and Nagar Divisions. There were 23 Tribunals exercising criminal appellate jurisdiction.

Crime Reported

Statement II

3. During the year under review 13,618 offences were reported, as compared with 13865 in the preceding year. The largest decrease occurred in the Ashtagram Division. Referring to the classification of offences, it is found that the decrease was chiefly in the number of offences against the person. There was also some

decrease in those against Justice &c. and against property, but those against Special Laws (class IV) increased from 1591 in 1874 to 1792 in the past year. Breaches of contracts under Act XIII of 1859, most of which were reported in the Hassan District show a slight increase and Breaches of Octroi Rules (all in the Arndydroog Division) show a very large increase namely 155 as against only 27 in 1874.

4. In the number of persons convicted during the year under report, there was a falling off nearly proportionate to the decrease in the number of offences reported.

Criminal trials Statement III

5. Excluding the number of persons committed and transferred, there were 26,614 persons brought to trial, as compared with 27,098 in 1874, and the manner in which they have been dealt with is shewn

| | 1874 | | 1875 |
|---|---|---|---|
| Discharged | 3,482 | – | 2,852 |
| Acquitted | 9,018 | – | 10,065 |
| Convicted | 14,465 | – | 13,419 |
| Died escaped &c. | 12 | – | 5 |
| Remaining | 121 | – | 273 |
| Total | 27,098 | – | 26,614 |

The percentage of convictions to the number of persons actually brought to trial (excluding died &c. and pending) was 51·3 as compared with 53·6 in the preceding year. This decrease was due chiefly to the low proportion of convictions in cases tried by the Taluk Magistracy (viz. 49 per cent). These magistrates had for disposal on their files more than three fourths of the total number of cases in the whole Province, and a large proportion of them having been "Summons cases" withdrawals and dismissals of complaints, are shown as acquittals, and this somewhat reduces the proportion of convictions to acquittals and discharges in their courts.

6. The result of Session trials is noted below.

| | Brought to trial | Acquitted | Convicted | Pending |
|---|---|---|---|---|
| Ashtagram | 47 | 4 | 38 | 5 |
| Nundydroog | 105* | 27 | 60 | 17 |
| Nagar | 79 | 33 | 41 | 5 |
| Total | 231 | 64 | 139 | 27 |

* 1 died

About 68 per cent of the persons tried by Session Judges have been convicted as compared with only 66 per cent in 1874, and this result is satisfactory as showing greater care on the part of the committing Magistrates. The preliminary enquiries in most cases have been held by Assistant Commissioners and District Magistrates, and but seldom by Amildars. The large falling off in the number of persons committed (from 381 to 231) may be attributed to the fact that the District Magistrates tried 196 persons under their enhanced powers under Section 36 of the

Code of Criminal Procedure, while in the preceding year only 94 had been tried in this manner.

7. The system of Circuit Sessions introduced about the close of 1874 has been in operation throughout the past year, and appears to have worked satisfactorily and without any great inconvenience to the Judges.

8. The average duration of cases disposed of was 4·2 days being slightly less than in the preceding year, but there were 273 persons under trial on the last day of the year, as against only 121 in 1874. This was due principally to the large number of cases on the files of Assistant Commissioners in the Ashta-gram and Nagar Divisions.

9. It is reported that 40,791 witnesses were examined, and the decrease in their number as compared with the previous year is due to the smaller number

Punishments Statement IV

of cases tried.

10. The punishments inflicted during the year under review have decreased in number in accordance with the falling off in the number of convictions, but they were severer than in 1874, in some important respects as shewn below

| | 1874 | 1875 |
|---|---|---|
| Imprisonment with solitary confinement | 10 | 31 |
| Imprisonment between 2 and 7 years | 140 | 167 |
| Imprisonment above 7 years | 14 | 22 |
| | | |

These severer punishments were generally inflicted in cases of robberies and Dacoities, and upon old offenders convicted of theft and they are calculated to have a beneficial effect.

11. There were 20 sentences of death as compared with 23 in 1874, and the number of transportations was 28 in both years, but in the last year only 8 of them were for life, while

in 1874 there were 22 such sentences. The smaller number of capital sentences and life transportations was due to the fewer number of cases of murder tried.

12. 132 prisoners were required to furnish security for good behaviour as against only 88 persons in the preceding year. There has however, been a large falling off in the number of persons bound down to keep the peace.

13. The principal decrease in the number of punishments was in the case of simple fines. This punishment was awarded to 10,231 persons, as against 11,073 persons thus punished in 1874.

14. The total amount of fines imposed was Rs 61,945-0-7 being a falling off to the extent of Rs 13,043-2-7 from the figures of the previous year. The average amount of each fine was Rs 5-7-5 as against

Rs 6-1-6 in 1874.

15. Of the fines imposed, Rs 52,819-5-10 were realized before the close of the year. This is about 85 per cent of the total amount which had to be collected, and it is a large proportion as compared with the 74 per cent of the two previous years. In addition to this, a sum of Rs 4,267-6-1 was collected on account of fines of former years, and Rs 9,681-1-1 were struck off as unrecoverable as referring to sentences passed more than 6 years ago. Rs 703-4- were remitted upon appeal and revision. The unrecovered balance for collection in the current year was Rs 87,669-3-5.

16. Of fines recovered Rs 58,540-10-7 were credited to Government, and Rs 1,409-3- to Municipal and Local Funds, as compared with Rs 53,529-12-8 and Rs 1,295-12- respectively in 1874.

17. The total amount of compensation paid to aggrieved parties

less than in the previous year. The decrease appears to be due to the smaller average amount of each fine imposed.

18. Rs 847-10-0 were paid as compensation to persons vexatiously complained against, and refund of fees to complainants under Section 31 of the Court Fees Act was ordered to the extent of Rs 1251-12-0.

19. In the Sessions court, 78 cases were tried with the aid of Assessors; in 62 cases the Judges agreed with their opinions. Assessors Statement XI

20. There were 12 appeals pending at the beginning of the year under report, and including them there were for disposal before all the Magisterial and Sessions Courts of the Province, 374 appeal cases concerning 730 persons, as compared with 439 cases and 892 persons in 1874, the decrease being due to the smaller number of appealable Criminal Appeals Statement V

Vide hereto appended remarks in page 10.

sentences in 1875. The result of these appeals is shown below.

| | 1874 | 1875 |
|---|---|---|
| Rejected | 33 | 23 |
| Confirmed | 197 | 157 |
| Modified | 51 | 37 |
| Proceedings quashed | 3 | 1 |
| Reversed | 133 | 139 |
| Referred and remanded | 10 | " |
| Pending | 12 | 17 |
| Total | 439 | 374 |

These results are not quite so favorable as in 1874, for in about 37 per cent of the appeals, the sentences have been reversed, while in the preceding year the proportion of reversals was only 31 per cent.

21. The average duration of Appeals in Magisterial and Sessions courts has decreased to 8 and 15 days respectively, from 11 and 21 days in 1874, and the improvement in this respect is satisfactory, especially, as

the sentences on appeals before Magistrates are generally for short terms.

22. During the year under report, 19 sentences of death as against 24 sentences in 1874 were referred to the Judicial Commissioner for confirmation, 4 by each of the Sessions Judges of Nundydroog and Ashtagram, and 5 by the Sessions Judge of Nagar; 10 of these sentences were confirmed, 2 were commuted to transportation for life, and the remaining 4 sentences were set aside and the prisoners acquitted. The average duration of each Reference case was only 10 days as compared with 20 days in the previous year.

The Jud. Commissioner's Court as a Court of Reference

23. The number of Criminal appeals preferred to the Judicial Commissioner was 47, as compared with 72 in 1874. There were 3 appeals pending from the previous year. The sentences were confirmed in 54 cases, modified

The Jud. Commissioner's Court as a Court of Appeal

in 14, and reversed in 10. The per-
-centage of sentences reversed or
modified to the total number
appealed against rose from
11.1 in 1874 to 30.7 in 1875, a result
rather unfavourable to the Courts
below. In the sentences shewn
as "Modified" are included those
passed upon 10 appellants in
2 cases which were enhanced
by the Judicial Commissioner.
One of these cases had been tried
by the District Magistrate of
Chittaldroog who sentenced three
prisoners to four years rigorous
imprisonment for Dacoity. These
sentences were so manifestly in-
-adequate that they were en-
-hanced to rigorous imprison-
-ment for 7 years. In the other
case, the Sessions Judge of Sitta-
-gram sentenced 7 men to trans-
-portation for 10 years upon con-
-viction of culpable Homicide
not amounting to Murder.
Upon appeal, it was found
that the prisoners were guilty

of murder, and their sentences were accordingly enhanced to transportation for life. Two appeals were pending at the close of the year.

24. There were also 106 cases for revision, being 13 less than in 1874; most of these cases were submitted for orders by the Commissioners of Divisions.

In 47 of these cases, the Judicial Commissioner declined to interfere. The orders of the lower courts were modified in 15 cases and reversed in 25. In 13 cases the proceedings of the Lower courts were quashed as contrary to Law, and 6 cases were remanded to the Lower Courts.

The Jud. Commiss.r Court as a Court of Revision

25. The Judicial Commissioner as a court of revision enhanced the sentences passed in 9 cases, as compared with 7 such cases in the previous year. These were generally cases in which the sentences passed

passed by the Lower courts appeared from the calendars submitted to be obviously inadequate and the Officiating Judicial Commissioner enhanced these sentences after consideration of the proceedings held in the Lower courts.

26. The number of miscellaneous cases and petitions requiring Jud. orders filed and disposed of in the various criminal courts of the Province are exhibited in the subjoined table

| | Number for disposal | | Number disposed of | | Pending | |
|---|---|---|---|---|---|---|
| | Cases | Petitions | Cases | Petitions | Cases | Petitions |
| Sessions Judges | 446 | 3966 | 443 | 3946 | 3 | 20 |
| Sub. Judges | " | 539 | " | 532 | " | 7 |
| Judges and Cant. Magts. | 448 | 155 | 433 | 151 | 15 | 4 |
| Spl. Commissioners | 117 | 391 | 116 | 391 | 1 | " |
| Dy. Commissioners | 27 | 469 | 27 | 469 | " | " |
| Commissioners | 4 | 32 | 4 | 31 | " | 1 |
| Jud. Commissioner | " | 28 | " | 28 | " | " |
| Total for 1875 | 1042 | 5580 | 1023 | 4548 | 19 | 32 |
| Total for 1874 | 876 | 3835 | 869 | 3813 | 7 | 22 |

The largest number of cases undisposed of was in the Town and Cantonment Magistrates Courts and that of Petitions in those of Auildars.)

27. The results of the administration of criminal justice during the past year, as summarised above, appears on the whole to be satisfactory. There has been a marked decrease in crime and trials have been conducted with promptitude and generally with care. I concur in the remarks made in the Report for 1874 by the Officiating Judicial Commissioner regarding the advisability of somewhat reducing the present large number of low-paid and often inefficient subordinate Magisterial Officers, and I am of opinion that the present criminal work of the province which shows a tendency still further to diminish does not require for its proper

General Remarks.)

and careful performance the present large staff of 106 Taluk Magistrates (Amildars, Peshkars and Sheristadars) generally chosen not with any reference to special judicial qualifications

## Civil Justice

Tribunals Statement I

28. On the last day of the year there were 42 civil courts with original jurisdiction, namely 22 Munsiffs, 8 judicial Assistant Commissioners 8 Deputy Commissioners, 3 Commissioners, and one Court of small causes. There were 20 courts with appellate jurisdiction. The Munsiffs scheme which in 1873 was introduced into the Nundydroog Division with such great benefit to the administration of Civil Justice, was during the year under report extended to the other two divisions. Since then no Amildar

in the Province has had Civil jurisdiction, and there has been uniformity as to the procedure and tribunals. In the Athabasca-Grand Division the Provincial Courts were established on the 15th February 1895, and in Saguenay on 1st April 1895, and owing to this division of courts, a fair comparison cannot be drawn in many respects between the work of the past and previous years.

29. The number of civil suits of all descriptions instituted in the different courts of the Province during the year under review, was 25,052, or 2400 more than in the preceding year. For several years past, the litigation in the Province has been steadily increasing, and in the increase which has taken place during the past year, there is nothing which calls for any special remark.

Civil Suits instituted. Statement VI

30. With regard to the

different classes of Courts, it is found that in the Rangoon Court of Small Causes there was an increase of 263 suits; the files of the Judicial Assistant Commissioners, a portion of whose jurisdiction was transferred to the new Munsiffs Courts were lighter than in the preceding year by 1704 suits, but this decrease was more than counterbalanced by an increase of 3875 suits in the Courts of the Civil Judges and Munsiffs. As in the previous year, more than one half of the total number of suits filed, were on written obligations and under Rs 500 in value. The most important falling off was in the number of suits for immovable property. There were only 1032 such suits as compared with 1184 in the previous year

The

31. The total value of suits disposed of during the year was Rs 2,502,152 being an average of nearly Rs 103 per suit, as in the preceding year.

Value of and Suits disposed of
Statement VII

32. Excluding transfers, 24,304 suits have been disposed of as compared with 22,399 in 1874, and the proportion of work done by the different classes of courts during the past 2 years is shown below

| | 1874 | 1875 |
|---|---|---|
| Bangalore Court of Small Causes | 6446 | 6734 |
| Amildars | 5022 | 824 |
| Munsiffs | 6563 | 14,064 |
| Judicial Assistants | 4312 | 2653 |
| Deputy Commissioners | 46 | 19 |
| Commissioners | 10 | 4 |
| Total | 22,399 | 24,304 |

Results of Civil trials
Statement VIII

From this it appears that about 58 per cent of the judicial work of the Province has been done by the Munsiffs, and 27 per cent by the Bangalore

Court of Small Causes. The smaller number of suits tried by the Judicial Assistants was owing to change " of their pecuniary jurisdiction in the Ashtagram and Nagar Divisions during the past year.

33. Of suits decided, 6202 were contested, and the rest (being as in 1874 nearly three-fourths of the total number decided) were all uncontested. There was also nearly the same proportion as in previous years, in the number of contested suits decided for Plaintiffs and for Defendants.

34. There was a considerable falling off in the number of cases dismissed for Default and compromised, but this is more than counterbalanced by the increased number of decrees on confession and ex parte decisions. More than one half of the total number of ex parte decisions

were passed by the Bangalore Court of Small causes, and this is a remarkable circumstance as this courts share of the whole litigation of the Province was not more than 24 per cent. The number of suits pending disposal at the close of the year under Report was 1911, and out of these only 54 were more than 4 months old. The explanations offered for the delay in the disposal of these cases are generally satisfactory.

35. The average duration of uncontested cases decided was, as in 1874, 18 days, and that of contested cases was 32 days as against 31 days in the previous year. It was apprehended that the system of periodical circuit courts prescribed for Munsiffs during the year under report would tend to prolonged trials, but it is satisfactory to find that

this has not been the case to any great extent, as the average duration of contested and uncontested suits decided by them in 1875 in the whole Province was only 33 and 21 days respectively, as against 27 and 18 days in 1874, for the courts of the Munsiffs of the Nundydroog Division

Bangalore Court of Small Causes

36. The number of cases instituted in this Court during the year under review was 6768 against 6505 in the previous year, being an increase of 263 cases chiefly in the number of claims for goods sold, but the aggregate value of suits filed amounted only to Rs 254,081-15-2 being a decrease of 12,321-14-8.

37. In 874 suits the Plaintiffs or Defendants or both were Europeans or Eurasians while in 5894 suits the parties were all natives

38. Including the 196 cases remaining from the previous year, there were for disposal 6,964 cases, of which 6,734 were disposed of before the end of the year, 958 cases after contest and 5,776 without contest. Of the former, 697 were decided in favor of the Plaintiffs, and 261 in that of the Defendants.

39. Of the uncontested suits 3,798 were decreed exparte, 344 were compromised and 792 were decreed on confession. The large proportion of uncontested cases in this Court (nearly 86 per cent) is very remarkable when compared with other Courts in the Province.

40. Applications were made for new trials in 86 cases as against 95 in 1874. Judgments were reversed in 46 and modified in 6.

41. There were 4,374 applications for execution of decrees or 638 in excess of the number

in the previous year. 876 decrees, of the total value of Rs 31,761-10-6 were fully satisfied, and 358 decrees were partially satisfied.

42. Warrants for the arrest of Judgment debtors were taken in 2125 cases, of whom only 32 debtors were committed to the Civil Jail against 61 in the preceding year.

43. There were 62 interpleader suits; claims made were allowed in 27 cases.

44. The average duration of each case disposed of during the year was 11.13 days, being nearly the same as in 1874. The total receipts from fees, stamps &c. amounted to Rupees 34,817-14-8, which after deducting the expenditure including the salary of the Judge and the cost of the establishment, leaves a surplus saving to Government of Rs 10859-10-[illegible]. The amount credited to Government in 1874 was Rupees 10,550-3-3.

Amildar's Courts. 45. These courts were in existence

only for a short time in the early part of the year in the Ashtagram and Nagar Divisions, and during this short time they disposed of 827 suits, of the value of Rs 50 and under, only 148 of these suits were contested - more than twice this number of suits (325) were decided in the absence of parties, and the rest were disposed of by agreement of parties.

46. There were 22 Munsiffs courts in the Province, and being courts of the lowest original jurisdiction, the number of suits instituted in them (14,797) represents a proportion of about 81 percent of the whole litigation in the Province, exclusive of that in the Bangalore Court of Small causes.

Munsiffs Courts.

47. The number of suits instituted in this class of Courts in each District, and the particulars of the manner in which

they have been disposed of are shewn in the table appended below.

| District and Number of Munsiffs Court | | Number of suits instituted | Total number for disposal | Plaints rejected | Dismissed for default | Withdrawn with leave | Compromised | Decreed on confession | Decreed Ex parte | Dismissed ex parte | Contested: Judgment for Plaintiff in whole or part | Contested: Judgment for Defendant | Total disposed of | Pending |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 2 | 3 | 2 | 8 | | | | | | | | | |
| Bangalore | Bangalore | 1473 | 1614 | 3 | 277 | 25 | 8 | 171 | 483 | 120 | 306 | 89 | 1482 | 132 |
| | Yeldhunka | 576 | 639 | 6 | 31 | 14 | 4 | 126 | 170 | 79 | 142 | 37 | 609 | 30 |
| | Closepet | 557 | 573 | 7 | 91 | 15 | 1 | 85 | 122 | 4 | 133 | 35 | 493 | 80 |
| | Total | 2606 | 2826 | 16 | 399 | 54 | 13 | 382 | 775 | 203 | 581 | 161 | 2584 | 242 |
| Kolar | Kolar | 693 | 715 | 7 | 98 | 23 | 2 | 64 | 155 | 18 | 217 | 43 | 637 | 78 |
| | Chikballapur | 955 | 978 | " | 29 | 8 | 5 | 218 | 242 | 116 | 266 | 73 | 957 | 21 |
| | Chintamoney | 1183 | 1275 | 11 | 24 | 30 | 3 | 280 | 335 | 161 | 268 | 91 | 1203 | 72 |
| | Total | 2831 | 2968 | 18 | 151 | 61 | 10 | 562 | 732 | 295 | 751 | 217 | 2797 | 171 |
| Tumkur | Koratagere | 747 | 783 | " | 15 | 19 | 3 | 172 | 212 | 125 | 168 | 46 | 760 | 23 |
| | Turuvekere | 732 | 796 | 4 | 44 | 7 | 2 | 114 | 161 | 100 | 149 | 59 | 640 | 156 |
| | Total | 1479 | 1579 | 4 | 59 | 26 | 5 | 286 | 373 | 225 | 317 | 105 | 1400 | 179 |
| Mysore | Mysore | 1130 | 1194 | 7 | 70 | 10 | 15 | 230 | 328 | 80 | 264 | 88 | 1092 | 105 |
| | Mandya | 824 | 837 | 3 | 103 | 2 | 11 | 168 | 223 | 16 | 117 | 45 | 688 | 149 |
| | Hunsur | 736 | 758 | 6 | 67 | 22 | 124 | 63 | 120 | 22 | 193 | 34 | 701 | 57 |
| | Nunjungode | 998 | 1040 | 3 | 110 | 26 | 32 | 166 | 184 | 93 | 218 | 68 | 900 | 140 |
| | Total | 3688 | 3832 | 19 | 350 | 60 | 182 | 677 | 855 | 211 | 792 | 235 | 3381 | 451 |
| Hassan | Hassan | 748 | 793 | 3 | 62 | 5 | 67 | 104 | 299 | 15 | 134 | 56 | 748 | 45 |
| | Alur | 360 | 375 | 13 | 49 | 17 | 6 | 60 | 59 | 7 | 78 | 36 | 325 | 50 |
| | Total | 1108 | 1168 | 16 | 111 | 22 | 73 | 164 | 358 | 22 | 212 | 92 | 1073 | 95 |
| Shimoga | Shimoga | 577 | 588 | 55 | 46 | 5 | 2 | 179 | 93 | 14 | 104 | 43 | 541 | 47 |
| | Anantapur | 426 | 439 | 4 | 14 | 6 | 14 | 98 | 77 | 41 | 42 | 28 | 324 | 115 |
| | Shikarpur | 447 | 449 | " | 24 | 2 | 20 | 101 | 83 | 42 | 108 | 44 | 424 | 25 |
| | Total | 1450 | 1476 | 59 | 84 | 13 | 36 | 378 | 253 | 97 | 254 | 115 | 1289 | 187 |
| Kadur | Chikmaglur | 275 | 284 | 1 | 14 | 1 | 32 | 38 | 69 | 22 | 46 | 34 | 257 | 27 |
| | Kadur | 290 | 292 | " | 23 | 7 | 41 | 75 | 89 | 2 | 26 | 9 | 272 | 20 |
| | Total | 565 | 576 | 1 | 37 | 8 | 73 | 113 | 158 | 24 | 72 | 43 | 529 | 47 |
| Chitaldroog | Chitaldroog | 355 | 355 | 1 | 33 | 2 | 7 | 72 | 65 | 49 | 88 | 17 | 334 | 21 |
| | Davangere | 436 | 436 | 3 | 31 | 6 | 10 | 168 | 129 | 14 | 34 | 25 | 420 | 16 |
| | Chellakere | 279 | 279 | 5 | 29 | 2 | 3 | 63 | 58 | 43 | 44 | 10 | 257 | 22 |
| | Total | 1070 | 1070 | 9 | 93 | 10 | 20 | 303 | 252 | 106 | 166 | 52 | 1011 | 59 |
| | Grand Total | 14797 | 15495 | 142 | 1284 | 254 | 412 | 2868 | 2756 | 1173 | 3145 | 1020 | 14064 | 1431 |

This table is given in detail in order readily to show the comparative importance of each Munsiff's Court, in point of amount of work. The heaviest files were those of the Munsiffs at Bangalore, Mysore and Chintamani. The Courts at Nunjangode and Chickaballapur also appear to have had a large amount of work, but in the Districts of Hassan, Shimoga, Kadur and Chitteldrug, the number of suits filed is generally small. Taken by Districts, Mysore appears to have had the largest number of suits, and Kolar comes next to Mysore. The fewest cases were filed in the Kadur District. The very small number of suits dismissed for default in the Chintamani Munsiff's Court (namely 24) on whose file there were 1275 cases, is rather remarkable. The largest number of decrees

passed in the absence of the parties was in the Court at Bangalore, where there is every convenience for the parties being represented. The largest No. of decrees upon confessions was in the Chintamanie and Hoysore Munsiffs' courts.

48. The greatest number of suits remaining undisposed of at the close of the year was in the courts at Yerrunchere and Mandaya (156 and 119 respectively), on whose files there appear to have been only 496 and 837 suits during the year, but it is probable that the circuit courts held by these Munsiffs towards the close of the year may have, to some extent delayed the disposal of work at their Head Quarters.

On the whole the work done by this class of Courts is satisfactory.

Excluding

49. Excluding appeals preferred to the Judicial Commissioner which will be separately reviewed hereafter, there were instituted during the year under report 897 appeals or 70 more than in the previous year. There were 60 appeals remaining from 1874 and out of these 853 have been disposed of in the manner shewn hereunder

| | Dismissed for default | Confirmed | Modified | Reversed | Remanded | Total |
|---|---|---|---|---|---|---|
| Judicial Assistants - - | 16 | 242 | 59 | 93 | 45 | 455 |
| Deputy Commissioners - - | 24 | 96 | 30 | 71 | 13 | 234 |
| Commissioners - - - - | 6 | 111 | 14 | 27 | 6 | 164 |
| Total | 46 | 449 | 103 | 191 | 64 | 853 |

From the above it will be seen that the largest proportion of reversals (namely 30 per cent) was in cases heard by the Deputy Commissioners; in the Courts of the Judicial Assistants and Commissioners, the proportion was only about 20 and 16 per cent respectively.

50. The average duration of appeal cases decided was 35 days as compared with 40 days in 1874, and this is satisfactory when the larger number of cases decided in the past year is taken into consideration.

51. There were 101 appeals not disposed of before the close of the year, but they were all less than 4 months old.

Appeals preferred to the Judicial Commissioner's Court.

52. During the year under review, 6 regular appeals were filed in the Judicial Commissioner's Court, as against 10 in 1874. Five of these were from decrees passed by the Commissioners of Divisions, and the other was against a decree passed by the Deputy Commissioner of Mysore.

53. Including therefore the two appeals that were pending at the end of 1874, there were 8 appeals for disposal, 3 of which were confirmed, 1 was

modified, and 2 were remanded, leaving 2 appeals undisposed of at the close of the year.

54. The number of Special appeals brought on the file inclusive of 18 cases which were pending from the previous year, was 116, being 12 less than in 1874. The decrees of the lower courts were confirmed in 56, reversed in 16 and modified in 6 cases, while 16 cases were remanded to the Lower courts.

55. The proportion of decrees confirmed to the total number disposed of, was about 60 per cent as compared with 64 per cent in the previous year.

56. 22 Special appeals remained undisposed of on the last day of the year.

57. Including 2209 applications for execution of decrees pending from 1874, there were altogether 18,822 such cases for disposal

Execution of decrees

Statement X.

during the past year.

58 - The following table shows the disposal of 16,873 out of these cases, by the different classes of Courts in the Province.

| | Number of applications | | Decrees completely executed | | Decrees partially executed | | Pending at end of the year | |
|---|---|---|---|---|---|---|---|---|
| | 1874 | 1875 | 1874 | 1875 | 1874 | 1875 | 1874 | 1875 |
| Bangalore limits of small cases | 3738 | 4374 | 3112 | 3691 | 430 | 358 | 196 | 325 |
| Amildars - - - - | 2620 | 631 | 2321 | 598 | 211 | 33 | 88 | " |
| Munsiffs - - - - | 5760 | 10,096 | 4423 | 7487 | 650 | 1302 | 687 | 1307 |
| Judicial Assistants | 1,965 | 3,657 | 3,028 | 2,993 | 711 | 358 | 1226 | 306 |
| Deputy Commissioners | 90 | 38 | 61 | 25 | 23 | 8 | 6 | 5 |
| Commissioners - - - | 20 | 26 | 10 | 16 | 4 | 4 | 6 | 6 |
| Total | 17,193 | 18,822 | 12,955 | 14,810 | 2029 | 2063 | 2209 | 1949 |

More than one half the number of decrees were executed by the Munsiffs, but there were on their files on the last day of the year, a large number of applications for execution (namely 1307). This is not quite satisfactory, but it is understood that every endeavour is being made to dispose of such cases with

greater expedition.

59. 221 decrees were executed by possession being given, and 1050 by imprisonment. There were in 1874 many more applications disposed of in both of these ways. Property was attached in 2816 cases and sold in 2114.

60. The total value of decrees executed in whole or in part amounted to Rs 796,390-4-2.

61. The number of miscellaneous cases and petitions requiring Judicial orders, filed and disposed of in the several Civil courts of the Province are exhibited in the subjoined table.

Miscellaneous cases and Petitions

| | Number for disposal | | Number disposed of | | Pending | |
|---|---|---|---|---|---|---|
| | Cases | Petitions | Cases | Petitions | Cases | Petitions |
| Amildars | 30 | 5 | 30 | 5 | " | " |
| Munsiffs | 1033 | 2446 | 905 | 2403 | 128 | 43 |
| Judicial Assistants | 612 | 1007 | 559 | 1000 | 53 | 7 |
| Deputy Commissioners | 264 | 342 | 245 | 341 | 19 | 1 |
| Commissioners | 22 | 194 | 21 | 186 | 1 | 8 |
| Judicial Commissioner | " | 39 | " | 39 | " | " |
| Total for 1875 | 1961 | 4033 | 1760 | 3974 | 201 | 59 |
| Grand Total for 1874 | 1697 | 3325 | 1577 | 3303 | 120 | 22 |

Only 28 cases and 13 petitions were pending over 2 months.

Processes.

62. There were altogether 115,921 processes issued as compared with 101,138 in 1874, being an increase of 14,783, due to the increase in the number of suits instituted during the year.

Of these, 113,169 processes were served and returned, leaving 2,752 unserved at the close of the year.

63. The annexed table shews the number of processes issued and the fees collected on them, together with the expenditure incurred in the maintenance of the process serving establishment in the several classes of civil Courts in the Province.

| | Total number of Processes issued | Amount of fees collected | | | Total cost of Process Serving Establishment | | |
|---|---|---|---|---|---|---|---|
| Amildars | 3714 | 1644 | 12 | " | 1604 | 4 | 4 |
| Munsiffs | 87,737 | 42,279 | 9 | " | 20,486 | 13 | 9 |
| Judicial Assistants | 22,322 | 23,447 | 7 | " | 13,727 | 10 | 11 |
| Deputy Commissioners | 1296 | 1155 | 8 | " | 1457 | 12 | 4 |
| Commissioners | 602 | 507 | " | " | 910 | 13 | 10 |
| Judicial Commissioner | 250 | 165 | 8 | " | " | " | " |
| Total for 1875 | 115,921 | 69,199 | 12 | " | 38,187 | 7 | 3 |
| Total for 1874 | 101138 | 69,306 | 6 | " | 38,541 | 1 | " |

It will thus be seen that the receipts in the process serving department amounted to Rupees 69,199-12-0, or Rs 106-10-0 less than in the previous year. This decrease, notwithstanding a larger number of processes issued, is attributable to the smaller rates of fees collected in the Munsiffs' courts during the year under review in suits between Rs 50 and 300 in value, which formerly were governed by the higher rates applicable to the Courts of the Judicial Assistants.

64. The total cost of the process serving establishment in the whole province including contingent and other charges was Rs 38,187-7-2 and there was therefore a net saving to Government of Rs 31,012-4-10, as compared with Rs 30,765-5-0 in 1874. The collections are thus nearly double the cost of the establishment at present maintained. This appears

to have been the case for several years. The Process fees are levied avowedly for the purpose of maintaining a proper and efficient establishment for the service of Process, and the rates of fees were fixed several years ago upon an estimate of the probable cost of the requisite establishment. Experience has now shewn that the fees collected are more than sufficient to cover the required expenditure and leave always a saving to Government which was not intended. In the interests of suitors therefore a reduction of the rates of fees now levied seems to be desirable, but in effecting this, however, some allowance must be made for a somewhat larger Establishment, as the present number of peons and Amins in several Munsiffs courts appears to be inadequate. This matter will be made the subject of a separate Report

Stamps and Fines

65. The income during the

year from court Fees stamps and judicial Fines amounted to Rs 307,008-4-6 as against Rupees 298,464-8-0 in 1874.

Stamps Rs 249,921-8-4
Fines Rs 57,086-12-2.

66. The net cost to Government on account of the administration of Criminal and Civil Justice, after deducting receipts from stamps and judicial fines, was Rs 295,431-9-9 as compared with Rs 321,712-5-10 in 1874, the difference being mainly due to the fact that the cost of the Establishment of the Deputy Inspector General of Police was in the previous year included in the cost of the judicial administration.

General Remarks.

67. The most important feature in the administration of Civil Justice during the year under retrospect was, the revision of the Civil Courts, by the extension of the Munsiffs scheme to the whole

has now been in operation in the Nimrodbroog Division for a little more than two years, and in the other two Divisions for about a year. The Courts are undoubtedly popular, and are regarded by all as working satisfactorily. The opinion of all officers is unanimously in their favour. But nevertheless the system itself is still in its infancy and requires careful watching. Some District Officers advocate an increase of the jurisdiction of the Munsiffs not only on the record side, but also in small causes. But I consider that it is as yet premature to alter the system so recently introduced into the whole Province, until it has had time to become more firmly established, and we have had some further experience of its working.

68. I concur generally in the remarks made by the Offg. Judicial Commissioner in the

report for 1874, and I consider that increased jurisdiction in small causes, is neither necessary nor desirable in all cases. In one or two places, it may perhaps be advantageous hereafter to confer such increased jurisdiction in small causes. This has already been done as regards the Court at Inverness where there was a clear necessity for taking this step, but as a general measure and for courts in remote parts of the Province where the number of suits is always small it is never likely to become necessary.

Para 8.

69. There appears to exist a difference of opinion as regards the beneficial working of the system of Circuit Courts for Summonses, which was introduced in the early part of the year. This system was intended to remedy the inconvenience to suitors and witnesses arising from distance, in the case

of those Moonsiffs courts which have a large territorial juris-diction. It was considered necessary to have such a system especially in the Western Districts of the Province, where owing to the small number of suits, a Moonsiff's jurisdiction extends over two and three Taluks, and sometimes over nearly one half of a District. The system itself was avowedly tentative, and subject to modification after further experience. It is however satisfactory that the Deputy Commissioners of Shimoga and Chittledroog (where more than in any other District the dis-tances are very large) think very favourably of the benefits arising from the Munsiff's circuit Courts. But there really has not been sufficient time to form a current opinion on the subject. It appears to have been found that the sys-tem itself had not been correctly

in force in many places, and the Officiating Judicial Commissioner has but recently pointed this out by a circular.

70. There appears to me to be nothing wrong in the principle of the system in question, though its practical working requires care and method. I think it would be necessary to improve the position of the Head Ministerial Officers of the Bounsiff's courts, and then arrangements could easily be made for receiving applications and for other ministerial work at Head Quarters during the absence of Munsiffs on Circuits. This subject will receive attention separately, and will form the subject of a subsequent communication.

71. On the whole, I regard the administration of Civil Justice during the past year

as a great improvement upon the previous years.

I have the honor to be

Sir,

Your Most Obed.t Servant

J. D. Gordon

Judicial Commissioner

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The Judicial Assistant states "it is a case of damages for malicious "prosecution, and the examination of certain "witnesses in the Nagar Division, has "delayed its disposal. It is now ripe for "judgment, and will be disposed of in "a few days."

The following table shows the number and per-centage of cases pending on the file of the Several Courts in the Div.n at the end of the year.

| | Under 2 months | Over 2 months | Over four months | Total. |
|---|---|---|---|---|
| Commissioner's Court— | " | " | " | " |
| Deputy Comm.rs' Courts— | " | " | " | " |
| Jud.l Assistt's Courts— | 113 16· | 162·2 | 18 2·7 | 147 |
| Moonsiffi Courts— | 469 70·1 | 45 6·7 | 81·1 | 522 |
| Total. | 582 86·1 | 61 8·9 | 26 3·8 | 669 |

It will be observed that 86·1 per cent of the cases pending are under 2 months— 8·9 over 2 and only 3·8 over 4 months.

There were no cases referred to arbitration in 1876.

Statement No. 9

During the year under report, 446 appeals were preferred, and it is not easy to institute a comparison with

with the statistics of the previous year, as the number of Miscellaneous appeals was omitted to be shown in Statement No. 9 for that year. Of these, 405 were regular appeals filed during the past year against 256 of the previous year, resulting in an increase of 36.8 per cent, and the accompanying table shows the manner in which these appeals were disposed of.

| | | Judicial Assistant Mysore. | Judicial Assistant Hassan. | Deputy Commr. Mysore. | Deputy Commr. Hassan. | Commrs' Court | Total |
|---|---|---|---|---|---|---|---|
| Dismissed for default | | 3 | 6 | 9 | 7 | " | 25. |
| Ex parte | Confirmed | 3 | 5 | 3 | 7 | 5 | 23 |
| | Modified | " | 2 | " | " | " | 2 |
| | Reversed | " | " | 2 | 1 | " | 3. |
| On trial | Confirmed | 85 | 33 | 51 | 33 | 40 | 242 |
| | Modified | 8 | 2 | 4 | 1 | 9 | 24 |
| | Reversed | 22 | 18 | 16 | 5 | 11 | 72 |
| Remanded | | 8 | " | 5 | 2 | 4 | 19. |
| Total | | 129 | 66 | 90 | 56 | 69 | 410. |
| Pending | | 36 | 5 | 1 | " | 10 | 52. |

86 per cent of the pending cases most of which are in the Judicial Assistant Court Mysore are under 2 months. 11.8 over 2 months and only one case is over 4 months.

The following is a comparative statement of the average duration of regular appeals in the Revenue appellate Courts

Courts for the years 1875 and 1876.

| | 1875 | 1876 |
|---|---|---|
| Judicial Assistant Mysore | 75 | 89. |
| do. do. Hassan | 20.94 | 29.24. |
| Deputy Commissioner's Mysore | 23.8. | 50.2 |
| do. do. Hassan | 22.64 | 17.55. |
| Commissioner's Ashtagram | 47. | 48.42. |
| | 45.3 | 55.6. |

There is a perceptible rise in the average duration of appeals in the Courts of the Judicial Assistants of Mysore and Hassan, and the Deputy Commissioner of Mysore, but none of these officers accounts for it.

The Date of the oldest appeal pending is 29th April 1876 on the file of the Deputy Commissioner of Mysore. No satisfactory explanation is given for the delay. The Deputy Commissioner has however been directed to dispose of it as early as practicable.

Statement No. 10
Execution cases.

The number of applications for Execution of decrees has increased from 3094 in 1875 to 4171 in 1876 and including cases pending at the end of the previous year to 4824, owing to a corresponding increase in the original Suits. The annexed table shews how the applications were disposed of during the years 1875 and 1876.

| | 1875 | 1876. |
|---|---|---|
| Decrees completely executed — | 852 | 1147. |
| — do: — Partially — do: — | 331. | 843 |
| Applications struck off — | 2137. | 2018. |
| Transferred. — | 481. | 2316. |
| | 3801. | 4324. |

The increase in the decrees partly executed, and the large number of applications struck off are due apparently to the judgment creditors filing bare applications in the Courts without taking further steps either because their debtors have got no property, or because they wish to keep their decrees alive to save their remedy from being barred. It is however satisfactory to note that there has been an increase both in the number and percentage of decrees completely executed.

The accompanying table shews the execution work performed by the different Courts during the year 1876.

| | Total No. of Applications for Execution. | No. Completely Executed. | No. Partially Executed. | Struck off. | Transferred. | Total. | Pending. |
|---|---|---|---|---|---|---|---|
| Moonsiffs Courts Mysore. | 2841 | 804 | 734 | 875 | 89 | 2502 | 339. |
| ——do.—— Hassan. | 1024 | 209 | 22 | 644 | 35 | 910 | 114 |
| Asst. Assistt. Court Mysore. | 722 | 96 | 58 | 406 | 69 | 629 | 93. |
| ——do.—— Hassan. | 224 | 35 | 25 | 90 | 43 | 193 | 31 |
| Deputy Commr. Mysore. | 3 | " | " | 1 | " | 1 | 2. |
| ——do.—— Hassan. | " | " | " | " | " | " | " |
| Commissioner's Court. | 10 | 3 | 4 | 2 | " | 9 | 1. |
| Total. | 4824 | 1147 | 843 | 2018 | 236 | 4244 | 580. |

From this last table, it is clear that there has been a slight improvement both in the number and percentage of the cases struck off and pending.

The total value of the decrees completely and partially executed is respectively 128372 " 11 " 11 and 170199 " 6 " 9 in 76 against 82968 " 13 " 3 and 120514 " 13 " 2 in 75.

In 68 cases involving Rs. 13085 " 1 " 7 execution was applied for against the person of the judgment debtors - and in 70 cases Rs. 6126 " 8 " 7 was realized by sale of moveable property, while Rs. 61824 " 4 " 4 was realized by sale of immoveable property, in 378 cases.

Including the balance of the

Civil Miscellaneous.

the last year, and the number received by transfer, there remained for disposal 1018 and 1917 miscellaneous cases and petitions respectively in 1876, against 831 and 1390 in 1875, or an increase of 22.5 and 37.8 per cent respectively, and the manner in which these were disposed of is shewn below.

| | | 1875. | 1876. |
|---|---|---|---|
| Cases. — | By final order. | 701. | 946. |
| | By transfer. | 20. | " |
| Petitions. — | By final order. | 1362 | 1892. |
| | By transfer | 1 | " |
| Pending Cases. | | 110 | 72. |
| Petitions. | | 27. | 25. |

Tho' there was an increase in the number for disposal at the beginning of the year over the previous year, it is satisfactory to find that a proportionately larger number of cases and petitions were disposed of during the year 1876.

The number of cases and petitions, and the manner in which they were disposed of by different courts are shewn in the following table.

| | For disposal. | | Disposed of | | | | Pending. | |
|---|---|---|---|---|---|---|---|---|
| | | | By final order | | By transfer | | | |
| | Cases. | Petitions | Cases | Petitns. | Cases | Petitns. | Cases | Petitns. |
| Moonsiffs. | 504 | 1253 | 472 | 1240 | " | " | 32 | 13 |
| Judicial Assistants | 387 | 508 | 354 | 496 | " | " | 33 | 12 |
| Deputy Commissioners | 123 | 60 | 116 | 60 | " | " | 7 | " |
| Commissioner | 4 | 96 | 4 | 96 | " | " | " | " |
| | 1018 | 1917 | 946 | 1892 | " | " | 72 | 25 |

Stamp A & B
Financial.

The total amount of revenue realized from stamps in original and appeal suits and penalty recovered as unstamped or insufficiently stamped documents during the year under review was Rs: 73911, 5, 11 against 63317, 2, 4, and the increase is attributable to the large number of cases instituted during the year.

The subjoined table exhibits the sources of the revenue.

| | Rs | a. | p. |
|---|---|---|---|
| Plaintiffs value of stamps on plaints &c | 53909 | 4 | " |
| Other stamps | 6581 | " | " |
| Defts: Value of stamps on Petitions | 2069 | 2 | " |
| Penalty recovered on unstamped or insufficiently stamped documents | 4457 | 9 | 11 |
| Value of stamps in Criminal cases | 1863 | 12 | " |
| Value of stamps in Civil & Criminal appeals | 5030 | 10 | " |
| Total | 73911 | 5 | 11 |

The cost of tribunals including establishment and contingencies is Rs: 157358, 8, 7 in 76 against 153412, 14, 1 or Rs: 3945, 10, 6 in excess of that in 75. and the total expenditure over the receipts from stamps is Rs 83447, 2, 8, which is less than in the previous year by Rs: 6648, 9, 1. The only Courts that are self supporting in the Division are the Moonsiffs and Judicial Assistant's Courts of the Mysore

Distt.

District, and it must be remembered that this result is exclusive of the revenue derived from Process fees.

The following table shews the amount of costs incurred by parties in both the original and appeal cases decided in during the year.

| | Plaintiffs | Defendants |
|---|---|---|
| In Original cases — | 60 490 " 4 " 0 | 2069 " 2 " 0. |
| | Appellants | Respondents |
| In appeal cases — | 4813 " 14 " 0 | 202 " 11 " 0. |

Process Fees.

| | Plaintiffs | Defendants |
|---|---|---|
| In Original cases — | 24197 " 15 " 5 | 4208 " 6 " 2. |
| | Appellants | Respondents |
| In appeal cases — | 802 " 9 " 4 | 195 " 1 " 4. |

Process D

There were 40 646 processes for service during the year, or 5624 in excess of the previous year. Of these, 39539 processes were returned served, and only 1107 or 2.7 per cent were left unserved at the end of the year, a result by no means unsatisfactory. With the processes, the revenue therefrom has also increased to Rs. 24 608 " 15 " 0 against 20864 " 1 " 0 in 75, thus an excess of Rs. 3744 " 14 " 0. The cost of the establishment during the year under review amounted to 11185 " 2 " 9 against 11014 " 11 " 1 or an increase of 170 " 7 " 8 - and it is satisfactory to note that except in any Court, the establishment were

were not only self supporting, but there were also savings which in the aggregate amounted to Rs: 13338.8.3 against 9749.5.5 in 1875 or an increase of 3589.2.10.

I may take this opportunity of observing that frequent complaints have been made to me, that the establishment allowed for serving process, is insufficient to meet the demands made upon it, and with the large savings of more than Rs: 13000, it may be increased without loss of revenue to the state, and with much convenience both to the public, and the establishment as at present organized. This measure will further facilitate the speedy disposal of cases which are in many instances considerably delayed owing to the paucity of the establishment allowed at present.

The number of processes issued by each Court, the return made thereto, and the fees collected with the cost of the establishment is given below.

| | Total for service | Return made | Fees collected | Cost of establishment |
|---|---|---|---|---|
| Mysore Moonsiffs | 24250 | 23590 | 12813.3.0 | 4765.10.5 |
| Judicial Assistant | 5988 | 5817 | 5606.0.0 | 2282.12.0 |
| Deputy Commissioner | 245 | 245 | 185.8.0 | 75.0.0 |
| Hassan. | | | | |
| Moonsiffs | 8107 | 7905 | 3434.12.0 | 2217.9.9 |
| Judicial Assistant | 1626 | 1562 | 2196.8.0 | 1494.8.8 |
| Deputy Commissioner | 105 | 105 | 93.0.0 | 90.13.11 |
| Commissioners' Court | 315 | 315 | 280.0.0 | 344.0.0 |
| Total | 40646 | 39539 | 24608.15.0 | 11270.6.9 |

General.

The only remarks of a general character which I consider necessary are that the Moonsiffs Courts continue to work very satisfactorily, and that the time will soon arrive, when the pecuniary limit of their jurisdiction can be raised with safety and advantage. The territorial jurisdiction of the Alur and Hassan Moonsiffs has been found to be objectionable, as the work is unequally divided, and a proposal for remedying this by constituting Narsipur as the Head Quarters, instead of Alur has lately been submitted.

The experience of the last few months has shown that in times of more than ordinary pressure, the Deputy Commrs. are much hampered in their general duties by Civil work, and it would be satisfactory to see them entirely relieved of them.

The reports received from the Deputy Commissioners, Judicial Assistants and Moonsiffs are herewith forwarded in original.

I have the honor to be
Sir
Your most Obt. Servt.

[illegible]

Commissioner
Adm: [illegible]

No. 324

Nohtagram Commissioner's Office
Camp Maudya 9th March 1877.

To

The Judicial Commissioner
of Mysore.

Sir,

In continuation of this Office No. 311 dated 24th Ultimo, I have the honor to submit the annual report on the Criminal Administration of the Nohtagram Division, together with the statements as per margin, for the year 1876.

Criminal statements Nos 1 to 5.
Criminal Miscellaneous Fine Returns
Statement of cases tried by justice of the Peace.

2. The returns of the Deputy Commissioners were in the same form, as for 1875, and the arrangement of subjects adopted for the present report is the same as that of last year, viz:

— I. — Original jurisdiction of Magistrates and Sessions Judges.
— II. — Procedure of — do. —
— III. — Punishment awarded by — do. —
— IV. — Preventive jurisdiction of Magistrates.
— V. — Appellate jurisdiction of Sessions Judges and Magistrates of Districts.
— VI. — General.

1 will follow

# Original Jurisdiction of Magistrates & Sessions Judges

Offences reported
Offences struck off Register.
Offences brought to trial

3. The total number of offences reported to have been committed during the year is 4014 or 446 in excess of the previous year.

4. The following table shews the percentage of increase in each of the Distts. of this Division, and the proportion of offences to population.

| Districts | Population according to the census of 1871 | Offences reported | | Percentage of increase in 1876 | Proportion of offences to population | |
|---|---|---|---|---|---|---|
| | | 1875 | 1876 | | 1875 | 1876 |
| Mysore — | 943187 | 1902 | 2235 | 17.5 | 1 to 496 | 1 to 422 |
| Hassan — | 668417 | 1666 | 1779 | 6.7 | 1 to 401 | 1 to 375 |
| Total | 1611604 | 3568 | 4014 | 12.5 | 1 to 451 | 1 to 401 |

5. The proportion of offences to population in the Hassan District is higher than the number for Mysore. The Deputy Commrs have been called upon to account if possible for the increase in the Mysore Distt. from 1 to 506 in 1874 to 1 to 422 in 1876, and the decrease in the Hassan District from 1 to 294 in 1874, to 1 to 375 in 1876.

6. The increase is probably to be attributed to the general scarcity, and consequent high prices of food and fodder, which prevailed during the 3rd and 4th quarters

quarters of the year, when scarcity began to make its appearance, and it is chiefly observable in both the Districts in cases of theft, receiving stolen property, house-breaking, and other offences against property, and a few offences against the person. There is however some slight decrease in the number of offences against the State and public justice, and those classed as "Miscellaneous" not falling under the 1st three classes in Statement No. II.

4. The returns do not shew, the number of cases struck off the Register on the application of the Police, but from the reports of the Deputy Commissioners, it appears that 426 cases were struck off in the Mysore District, against 412 in 1875, and 182 in the Hassan District against 321 in 1875 and 415 in 1874, and the Deputy Commissioner of Hassan does not account for this great disparity. The result is favorable, the cases struck off as false during the year being less than the previous year by 17.05 per cent. Of the total number struck off, 13 cases involving 16 prisoners were brought to trial, resulting in the conviction of only 6 prisoners in 6 cases. One great reason for the decrease in

the

the number in the ordinance of the

corresponding increase in the offences reported and brought to trial. But the percentage of convictions and committals for trial has fallen from 55 in 1874 to 45.8 in 1875 and 39.6 in 1876. This will be noticed in a subsequent paragraph.

11. The following figures show how the offenders who were brought to trial came before the Court.

| | 1875 | | 1876 | |
|---|---|---|---|---|
| | Persons | Percentage | Persons | Percentage |
| Under arrest by the Police | 1426 | 18.3 | 1579 | 16.6 |
| Upon warrant | 1970 | 25.4 | 2142 | 22.5 |
| On Summons | 4063 | 52.3 | 5541 | 58.3 |
| Voluntarily | 185 | 2.3 | 57 | .6 |
| By transfer | 110 | 1.4 | 179 | 1.8 |

12. It is remarkable that there is an increase in the number of summons, and a decrease in the number of warrants and arrests by the Police. The Deputy Comm^r of Impore does not satisfactorily account for this, while the Deputy Commissioner of Hassan attributes this to the recklessness of Magistrates in issuing processes.

13. The results of trials of persons for disposal are embodied in the following Comparative statement for the last 6 years.

| How disposed of. | 1871 | 1872 | 1873 | 1874 | 1875 | 1876 |
|---|---|---|---|---|---|---|
| Discharged without trial | 37.1 | 25.1 | 17.2 | 17.8 | 15.3 | 18.9 |
| Acquitted | 38.9 | 31.8 | 27.4 | 26.4 | 37.6 | 39.2 |
| Convicted | 22.1 | 43.1 | 53.5 | 54.4 | 45.5 | 39.8 |
| Committed to Sessions | 1.2 | " | .9 | 1.001 | .6 | .3 |
| Referred to Magistrates | " | " | .8 | .4 | .8 | .14 |
| Died escaped or transferred | .5 | " | .01 | .01 | " | " |

14. The percentage of convictions which was as low as 22.1 in 1871 gradually rose to 54 in 1874, owing to considerable pressure being put upon Magistrates to shew high percentages, and when the restrictions were withdrawn in that year, it began to go down as it rose.

15 The results of trials by the different classes of Magistrates is shewn in the annexed table.

| Magistrates | Percentage of convictions in cases. | | Percentage of convictions in persons. | |
|---|---|---|---|---|
| | 1875 | 1876 | 1875 | 1876 |
| **Mysore Distt.** | | | | |
| Sheristadars | " | 40.7 | " | 27.4 |
| Peishkars | 60.6 | 51.8 | 52.7 | 42.3 |
| Amildars | 57.6 | 47.9 | 51.1 | 39.7 |
| Munsiffs | " | 100 | " | 100 |
| Town Magistrate | 42.2 | 58.8 | 42.5 | 45.1 |
| Assistt. Commissioners | 42.8 | 41.8 | 30.3 | 36.08 |
| Jagheerdar of Yellandur | 60 | 41.9 | 40 | 29.8 |
| Deputy Commissioner | 66.6 | 61.5 | 55.1 | 47.7 |
| **Hassan Distt.** | | | | |
| Sheristadars | 50.4 | 45.1 | 45.3 | 34.7 |
| Peishkars | 36.4 | 40.9 | 32.3 | 38.6 |
| Amildars | 58.06 | 47.2 | 49.01 | 37.8 |
| Assistant Commissioners | 54.9 | 64.7 | 43.7 | 60.3 |
| Deputy Commissioner | 62.1 | 70.9 | 59.01 | 67.7 |

16. There appear therefore to be two extremes - the one a high percentage of convictions, when that was the test for judging of the efficiency of Magistrates and the other a low percentage, when that test was abandoned. - The Deputy Commr. of Mysore does not give any explanation on the point, and the Deputy Commissioner of Hassan states, that the proportion of convictions to acquittals and discharges was favorable in the Courts of District Magistrate and Assistant Commissioners, while the reverse was the case with regard to the Courts of Amildars and Sheristadars, who appear to have exercised little or no discretion in summoning a number of persons charged with assault and other petty offences on insufficient grounds, and he points out several instances of Amildars having indiscriminately issued processes. I concur in the opinion expressed by the Deputy Commissioner, Hassan, on this subject, as I have reason to believe that it is the case throughout this Division. The remedy lies in a closer supervision by the superior magistrates over the proceedings of the subordinate Courts.

17. The following are the details of work done

done by the Criminal Courts of Several grades in the Division.

| | Cases disposed of. |
|---|---|
| Sessions Judges. | 22. |
| District Magistrates. | 92 |
| do. with enhanced powers. | 46 |
| 1st Class Magistrates | 714 |
| 2nd Class Magistrates. | 421 |
| 3rd Class Magistrates. | 2783 |
| Total | 4078. |

18. Of the 4041 Cases instituted, 730 cases affecting 1579 prisoners were brought up for trial by the Police, of which 118 cases involving 395 Prisoners were discharged for want of Sufficient evidence under Section 215 Criminal Procedure Code, 81 cases and 184 Prisoners were acquitted under Section 211, and 464 cases involving 888 prisoners were successfully prosecuted to Conviction.

19. 25 Cases involving 43 prisoners were committed to the Sessions Court, against 20 cases affecting 47 prisoners in 1875. Of the cases tried during the year under report, 15 cases involving 21 Prisoners were prosecuted to Conviction, 4 cases involving 14 prisoners broke Down for want of Sufficient evidence, leaving 2 cases involving 10 prisoners pending at the end of the year, all of which have since been disposed of.

20. There were 32 cases and

65 prisoners pending trial at the end of the year, against 30 cases involving 75 prisoners in 1875.

Bailable and non bailable offences.

21. The Imperial returns do not furnish any information on this point - The Deputy Commissioner of Mysore does not give the number of non-bailable cases, and persons tried during the year, although he states that 387 persons were convicted, and 16 were committed to the Sessions, and similarly with regard to bailable offences, he reports that 1569 persons were convicted against 1345 in 1875. The Deputy Commissioner of Hassan reports 318 non-bailable cases against 187 in the previous year, resulting in the conviction of 354 persons and 17 prisoners committed for trial to the Sessions Court, while in bailable offences, there were 1460 against 1479 in 1875, 1460 persons therein implicated having been convicted

## II Classification of Offences

22. The classification of offences adopted in the return is, I. Offences against the State and public justice - II Offences against the person, III Offences against property and IV Offences not falling under any of the above heads, and falling under special or Local laws. As the Police Crimes Return is not now

Submitted

Submitted through this Office, it is not easy to divide these into Cognizable and non-Cognizable Offences.

23. Classifying offences according to the chapters of the Indian Penal Code, the result is as follows:- 2 Columns are added, one to shew the number of Convictions, and the other their percentage to the number of persons brought to trial.

| | Persons brought to trial | Convicted | Percentage of Convictions |
|---|---|---|---|
| Chapter V. Concealing design to Commit non bailable offence. | | | |
| " VI Offences against State (121-130) | | | |
| " VII Offences relating to Army and Navy (131-40) | | | |
| " VIII do:- against public tranquility (143-63) | 297 | 187 | 62.9 |
| " IX Offences by or relating to Public servants (161-171) | 1 | 1 | 100 |
| " X Contempts of the lawful authority of Public servants (172- to 190) | 64 | 40 | 62.5 |
| " XI False evidence & Offences against Public justice (193-229) | 26 | 16 | 61.5 |
| " XII Offences relating to coins and Government stamps (221-263) | 6 | 2 | 33.3 |
| " XIII - do - relating to weights and measures (264-67) | 13 | 8 | 61.5 |
| " XIV - do - Affecting the public health, safety, convenience, decency & morals (269-274) | 143 | 119 | 83.2 |
| " XV Offences relating to religion (295-967) | | | |
| " XVI Offences affecting the human body. | | | |
| 1. Offences affecting life (302-311) | 54 | 13 | 24.07 |
| 2. Mischief, injuries to unborn children 312-318 | 10 | 6 | 60 |

| | | | |
|---|---|---|---|
| " 3. Hurt (323-328.) | 2786 | 979 | 35.5 |
| " 4. Wrongful restraint & Confinement 341-348 | 317 | 103 | 32.4. |
| " 5 Criminal force or assault 352-358 | 1551 | 573 | 36.9. |
| " 6. Kidnapping, forcible abduction and forced labor 363-374 | 2 | " | " |
| " 7. Rape 376 | 7 | 1 | 14.14 |
| " 8. Unnatural Offences 377 | " | " | " |
| Chapter XVII of offences against property | | | |
| 1. Theft (379-382) | 1174 | 532 | 45.2 |
| 2. Extortion 384-389 | 15 | 7 | 46.6 |
| 3. Robbery & Dacoity 392-402 | 206 | 76 | 36.8 |
| 4. Criminal misappropriation of property 403-404 | 93 | 31 | 33.6 |
| 5 Criminal Breach of Trust 406-409 | 27 | 12 | 44.4 |
| 6. Receiving stolen property 411-414 | 9 | 4 | 44.4. |
| 7. Cheating 417 to 420 | 33 | 9 | 27.5 |
| 8 Fraudulent deeds and disposition of property. 421-424 | " | " | " |
| 9. Mischief 426 to 440 | 556 | 179 | 32.1 |
| 10. Criminal Trespass 447-462 | 416 | 144 | 34.6 |
| " XVIII Offences relating to documents | | | |
| 1. of trade & property marks. 482-89 | " | " | " |
| " XIX Criminal breach of Contract of Service 490-492. | " | " | " |
| " XX Offences relating to marriage 493-98 | 44 | 3 | 21.4 |
| " XXI Defamation | 4 | " | " |
| " XXII Criminal intimidation insult & annoyance 504-510 | 388 | 166 | 42.7. |
| Other offences not included in the Penal Code | | | |
| 1. In Cases under the Code of Criminal Procedure. | 41 | 31 | 75.6. |
| 2. Breach of Forest law | 120 | 60 | 50. |
| 3. Cattle Trespass | 358 | 145 | 40.5 |
| 4. Breaches of Contract Act XIII of 1859 | 89 | 35 | 39.3 |
| 5. Post Office rules | 2 | " | " |
| 6. Stamp Rules | 7 | 5 | 71.4 |
| 7. Municipalities | 39 | 39 | 100. |
| 8. Possession of Arms | 2 | 2 | 100. |
| 9. Saltpetre | " | " | " |
| 10. Breach of Toddy & Arrack Rules | 4 | 4 | 100. |
| 11. Registration | 3 | 3 | 100. |
| 12. Police Rules. | 20 | 17 | 85. |

## Coinage

24. During the year under report, there were 6 Cases involving 6 persons connected with the Offences relating to Coinage, against 1 Case involving 1 prisoner during the previous year. Of these 2 cases involving

involving 2 persons belong to the Mysore, and the remaining to the Hassan Dist. In the former prosecution in both the cases failed, while in the latter District, 2 out of 4 prisoners were successfully prosecuted to Conviction before the District Magistrate.

Murder.

25. 9 Cases of murder involving 15 persons were reported, 6 with 10 persons from Hassan, and 3 with 5 persons from Mysore, against 16 in the previous year, and including the 2 cases pending at the beginning of the year, there were in all 11 cases involving 18 prisoners for trial - of these 8 cases involving 13 prisoners were disposed of, conviction following in 5 cases involving 7 persons, and acquittals in 3 cases with 6 prisoners, leaving a balance of 3 cases with 3 prisoners.

Culpable Homicide

26. Including the cases pending at the end of the previous year, there remained for disposal 7 cases of culpable homicide involving 9 prisoners, against 4 cases in 1875. All these cases were from the Mysore District, and 4 of them were committed to the Sessions Court, where convictions followed in 3 cases and acquittal in one. The other 3 cases were tried by the District Magistrate under section 326, with convictions resulting

in 2 cases and acquittal in the other.

**Infanticide**

27. No cases of infanticide were reported during the year; but the Deputy Commissioner Hassan reports that one case which was at first reported as such turned out at the close of the Police Inquiry to be simply one of Exposure and abandonment of child under Section 318 Indian Penal Code, and is awaiting trial

**Attempt to murder.**

28. There were 2 cases of attempts to commit murder, one in each District, involving 4 prisoners and all of them were discharged. The Deputy Commissioner Hassan reports that in the case which occurred in his District, the attempt to commit murder was made by a woman against her husband, having been instigated to do so by her paramour, but the prosecution failed for want of evidence.

**Grievous hurt.**

29. 21 cases involving 55 prisoners were reported during the year, and with the cases pending at the end of the previous year, there were 22 cases and 58 persons for trial. In 13 cases with 22 prisoners convictions were obtained. In the other cases acquittals or discharges followed. None of them call for any special notice here

30. Two cases of kidnapping were reported to have occurred in the Mysore District: and they were all discharged for want of evidence - The Deputy Commissioner Hassan states that one case was reported, but on inquiry it was discovered to belong to Coorg, and is not therefore shown in the Return for his District.

Kidnapping or abducting

31. 4 cases involving 6 persons were reported, and brought to trial during the year - Of these 3 belong to the Mysore District, and one to the Hassan District. In the former all were discharged, and the Deputy Commissioner remarks that in the one, the Complainant was found to be consenting party, in another the case was a fabrication, and in the third the evidence was insufficient or unreliable. In the case which occurred in the Hassan District a Mahomedan Daffédar of the Police and another were accused and tried before Major Mottet, who sentenced the former to 5 years rigorous imprisonment, and discharged the latter.

Rape

32 None.

Unnatural offences

33. 616 cases involving 1134 persons were tried during the year under report, of which 374 involving 553 were convicted

Theft and receiving stolen property

and

and 238 involving 558 prisoners were discharged. - The Deputy Commissioner of Mysore reports that "there has been "a marked increase in the number of offences "though the number of the thieving class "has fallen", but does not account for it - The proportion of persons convicted to the total number tried is 48.3.

Dacoity

34. During 1876, there has been a marked increase both in the number of cases, and persons concerned, being 23 cases and 135 persons, or an excess of 10 cases and 57 persons over the preceding year. - Of these, 14 cases involving 87 persons occurred in the Hassan District against 6 in the previous year, and 9 cases with 48 persons in the Mysore District, against 7 in the previous year. - Besides these, there were 4 cases with 40 to 50 prisoners which have not yet been detected. - Of the 24 cases and 141 persons brought to trial, 72 were acquitted or discharged and 65 were convicted being respectively 51.8 and 48.2 per cent to the number tried. - Of the number convicted, only one person belonged to the Mysore District and the remaining 47 persons were all discharged. - On this, the Deputy Commr. remarks

remarks "that a greater reflection on the Police could not be passed, and comment is unnecessary". In these remarks I concur with the Deputy Commissioner, and indeed in some cases the Police not only failed to report the occurrence of dacoity, but, I have reasons to believe, abetted the perpetrators of the crime, and in one case, a Police Daffedar was successfully prosecuted and convicted for making a false report, and suppressing the crime. In the Hassan District, the percentage of convictions to the number tried is more satisfactory being 67.8. Regarding the increase of crime, the Deputy Commissioner of Hassan states that "many of the cases tried as dacoities were really only attacks" made by bands of starving people on places" where they thought they would get food, but" were not crimes committed by organized" bands of robbers." Particulars regarding each case are given in the Deputy Commissioners reports.

Robbery

35. 13 cases with 39 prisoners in the Mysore District and 5 cases with 10 prisoners in the Hassan District, or a total of 18 cases with 29 prisoners for the Division were reported during the year

against

against 16 cases with 39 prisoners of the previous year - and these were distributed as follows

| | Cases. | Persons. |
|---|---|---|
| On the high way | 5 | 10 |
| In dwellinghouse | 11 | 31. |
| Elsewhere | 2 | 8. |
| Total | 18 | 49. |

There were two cases with 7 persons pending at the beginning of the year.

Of these, 17 cases and 52 persons were brought to trial with acquittals or dis-charges in 11 cases and 34 persons, & convictions in 4 cases, and 11 persons the remaining cases & persons awaiting trial. The proportion of cases and persons convicted to those tried is respectively 23.5 and 21.1 which is hardly satisfactory - the remaining 2 cases belong to the Hassan District, and have not yet been detected.

Housebreaking

37. During the year, there was an increase in the number of cases and persons tried from 66 cases, and 120 persons in 1875 to 100 & 205 respectively, and the results of trials are shewn below

| | 1875 | | 1876. | |
|---|---|---|---|---|
| | Cases | Persons | Cases | Persons |
| Acquitted | 22 | 55 | 31 | 80 |
| Convicted | 41 | 60 | 64 | 120 |
| Pending | 3 | 5 | 5 | 5 |
| Total | 66 | 120 | 100 | 205 |

Though the percentage of persons convicted has risen from 50 in 1875 to 64 in 1876, yet it has fallen off, as regards the number of cases from 62.1 to 58.5.

Mischief by Fire

38. There was a decrease in the crime during the year under report, the number of cases and persons tried being 6 and 14 respectively, against 8 and 18 of the previous year. Of these, 4 cases and 10 persons belonging to the Hassan District were acquitted or discharged, and in one case, belonging to the Mysore District, 2 persons were convicted, and one was pending trial. The Deputy Commissioner of Mysore, remarks regarding the case in which conviction followed, that the accused were tried for setting fire to a raggi stack and causing loss of 12 handies of grain valued at Rs. 118. The percentage of convictions which is only 14.3 is very unsatisfactory, and shews that detection is not sufficiently good.

Mischief by poisoning cattle

39. There were 15 cases for trial during the year, against 10 in 1875. Of the 22 persons concerned in them 4 in 11 cases were convicted, and the remaining were acquitted. Neither of the Deputy Commissioners made any observations regarding this crime.

Enticing away married women

40. There were 9 cases involving 14 persons

persons reported during the year, all of which were brought to trial with the result of acquittal of 6 cases and 11 persons, and conviction of 3 cases and 3 persons - these latter belong to the Mysore District, and the Deputy Commissioner reports that they were unaccompanied by aggravating circumstances.

Criminal Trespass.

41. The number of cases and persons concerned in them have respectively risen from 118 & 299 in 1875 to 163, and 401 in 1876 - the trial of these cases resulted in the conviction of 136 persons in 65 cases being respectively 33.9 & 39.9 on the number brought to trial. The Deputy Commissioner Mysore observes that the small proportion of convictions "points to the necessity of the exercise of greater discretion" a remark in which I fully concur

Assaults

42. During the year, 680 cases with 1551 persons were brought to trial against 532 & 1116 in the previous year - of these 573 persons in 320 cases were convicted, and 971 persons in 356 cases acquitted shewing the percentage of conviction of cases and persons to be 47.06 & 36.9 respectively against 52.06 and 45.08 of the previous year. Considering that there has been an increase both in the number of cases and

persons

over the previous year, while the percentage of Convictions to the total number tried is small and less than the preceding year, it is to be feared that very little discretion is exercised by Magistrates in entertaining Complaints and in issuing processes. - The subordinate Magistrates are not sufficiently trained, and with the defective education of the majority, the results are not to be wondered at

Special Laws

43. The total number of cases, and persons tried under special laws during the year is 304, and 619 respectively, showing a decrease of 118 cases and 53 persons as Compared with the result of the previous year. In 113 Cases involving 324 persons, the trials resulted in acquittals,

and in 190 Cases involving 293 persons in Convictions the percentage of convictions of persons being 47.3

Breach of Contract

44. Offences under this head have Considerably decreased from 153 cases and 242 persons in 1875 to 60 & 89 in 1876 - Of this number, Convictions followed trials in 29 Cases & 35 persons the others being acquitted - The former were all in the Hassan District - The proportion of persons Convicted to persons tried

is 39. 3 - The Deputy Commissioner Mysore makes no remarks regarding the decrease. but the Deputy Commissioner Hassan believes that the withdrawal of the powers which the Risildars and Sirdar of the Manjarabad and Belur Taluks had been exercising up to the end of June last, has contributed to the decrease - This may be true but, the prevalence of the scarcity which offered little or no inducement to laborers to commit breaches of contract with their employers must also be taken into consideration

Summary trials

45 The number of cases and persons tried summarily was 339 and 698 - all these were in the Mysore District - In the Hassan District the Distt. Magistrate was the only officer exercising the powers, whereas in the Mysore District 4 officers besides the District Magistrate were empowered to try summarily - The tendency on the part of Magistrates to try cases summarily is on the increase, and the District Magistrate Mysore with reference to this states that "attention has been drawn to the remarks passed by the Judicial Commissioner on the Criminal administration report for 1875 regarding the indiscriminate trial of cases on the summary side

46. The total number of cases and persons tried by District Magistrates under section 36 is 48 cases, and 167 persons for both the Districts, of which 26 cases and 45 persons belonged to the Mysore District and 22 cases and 124 persons to the Hassan District, of the number tried, in 34 cases 107 persons were convicted, and the remainder were acquitted - the percentage of convictions of persons being 64·07 - of these 11 cases involving 20 persons were sent up to me for confirmation. In one case I modified the sentence, and in the other, reversed it, on the whole, there is no reason for supposing that the District Magistrates did otherwise than use their discretion properly.

Enhanced powers under section 36.

47. During the year under report, 1 case with 1 European British subject, together with 3 Natives was tried by Major Pearse, which resulted in the acquittal of all the accused - The case arose in the Hassan Distt., and as Major Mottet was not competent to try it, it was transferred to Major Pearse under instructions from you.

European British subjects

## Part II Procedure

48. The average duration of the original cases in the Criminal Courts of the Division

Average duration of original cases

Division was as follows.

| | 1875 | 1876 |
|---|---|---|
| 3rd Class Magistrates Mysore Distt. | 4.5 | 4.6 |
| ——do.—— do.—— Hassan —do— | 4.6 | 4.3 |
| 2nd Class Magistrates —— | 2.19 | 2.9 |
| Assistant Commissioners and 1st Class Magistrates, including Town Magistrate Mysore District —— | 5.3 | 2.8 |
| ——do.—— do.—— Hassan District | 4.31 | 5.7 |
| Jagheerdar of Yellandur —— | 5.6 | 3.8 |
| Deputy Commissioner, Mysore Distt. | 8.86 | 3.03 |
| ——do.—— do.—— Hassan Distt. | 3.1 | 5.9 |
| Sessions Court Ashtagram —— | 49.1 | 42.9 |
| Total Dist. average duration | 4.8 | 5.0 |

49. The average duration of cases in Magistrate's Courts was 4.8 days, and that of the Deputy Commissioners sitting with enhanced powers 4.6 days.

50. In the Court of Sessions, the average duration is calculated from date of Commitment to date of decision, and the result during the year is more favorable than in the previous year being 42.9 against 49.1 in 1875.

Average duration of appeals

51. The average duration of appeals in the Courts of this Division, varied in the several Courts as per margin, the shortest duration is to be found as usual in the Deputy Commissioner's Court Hassan, and the longest in the Sessions Court; in the

| | 1875 | 1876 |
|---|---|---|
| Assistt. Commrs. & 1st Class Magistrates —— | 10.5 | 17.1 |
| Jagheerdar of Yellandur | 13.3 | 1 |
| Deputy Commrs. Mysore | 19 | 18.63 |
| ——do.—— Hassan | 9.1 | 11.4 |
| Sessions Court —— | 21 | 20.56 |

the latter Court, the duration can never be expected to be shorter than 14, as the proceedings called for from the lower Courts, and especially from the Hassan District cannot be received in less than 8 or 10 days at the soonest. There has been no perceptible change in the average duration during the past 2 years, except in the Courts of Assistant Commissioners, which is not accounted for by the Deputy Commissioners. The date of the oldest appeal pending was 9th December 1876.

52. The total number of cases pending at the close of 1876 was 32, affecting 65 prisoners, against 30 involving 75 Prisoners in the previous year. Of these, only 2 cases were pending over one month, the date of the oldest case being 11th November 1876, on the file of the Sessions Court, which has since been disposed of.

53. The Deputy Commissioner of Mysore does not offer any remarks on this point. The Deputy Commissioner of Hassan reports that the procedure laid down in Section 144 Criminal Procedure Code was carefully observed.

Examination of complainant

54. The amount of compensation awarded under Section 209, in cases of frivolous and vexatious complaints was Rs. 631. 8. 0 against Rs. 825. 12. 0 in the preceding year.

Amends to accused persons

The

The number of cases in which amends were awarded during the year was 100, or an average of Rs. 6. 5. 0 to each. The amount awarded in the Mysore District during the year is much less than half the sum awarded in the previous year, while the sum awarded in the Hassan District is nearly double what was given in 1875, but neither of the Deputy Commissioners account for this.

Record of Evidence

55 The Deputy Commissioner of Hassan reports that the record of evidence of the Subordinate Magistrates was correctly kept in cases that came under his observation. The report of the Deputy Commissioner of Mysore contains no remarks on the point.

Habitual Criminals

56. The imperial returns do not give any particulars about habitual criminals, and in the absence of any information in the reports of the Deputy Commissioners, I cannot offer any remarks how such offenders are dealt with by the Magistracy, altho' the Procedure to be followed in dealing with them, and in cases of 2nd Conviction is one of much importance.

57. There were 3 cases of recommittals committed to the Sessions for trial, in all of which there was conviction - one of the Prisoners who had been not less than 6 times convicted, and had passed many years in

Jail

Jail was transported for life, another was sentenced to 10 years rigorous imprisonment, and the third to 2 years rigorous imprisonment

## III Punishment

58. The general results of the returns shewing punishments are as follows:-

| | Magistrates | Sessions Court | Total |
|---|---|---|---|
| | Persons | | |
| Sentenced to death | " | 4 | 4 |
| Transportation for life | " | 3 | 3 |
| do. do. for a term | " | " | " |
| Penal servitude | " | " | " |
| Rigorous imprisonment | 563 | 11 | 574 |
| Simple do. | 46 | " | 46 |
| Fined with imprisonment | 423 | 3 | 426 |
| do. without do. | 2616 | " | 2616 |
| Whipped as a sole punishment | 79 | " | 79 |
| do. as an additional punishment | 13 | " | 13 |
| Total | 3740 | 21 | 3761 |

Imprisonment

59. 574 persons were sentenced to rigorous imprisonment during the year, and 46 to simple imprisonment - Of those sentenced to rigorous imprisonment, only 4 were sentenced to solitary confinement. Of the rigorously imprisoned, 79.2 per cent were sentenced for terms not exceeding 6 months and only 7.4 per cent for terms exceeding 2 years.

60.

Solitary confinement

60. None were sentenced to solitary confinement in the Hassan District, while only 4 persons were sentenced in the Mysore District, as compared with 12 in the previous year. No reasons are assigned in the District reports, why the Magistrates have been sparing in the use of this punishment.

Fine

61 The total amount of fine imposed during the year was Rs. 27,622 . 12 . 0 against Rs. 16,762 . 15 . 0 in 1875. Rs 24,374 . 4 . 11 or nearly 89 per cent of the fines imposed during the year were realized. The percentage of the fines realized is greater (2.6 per cent) than in the preceding year. A sum of Rs. 881 . 0 . 10 on account of the fines imposed in previous years was also recovered; of the unrealized fines for 1876, Rs. 908 . 2 . 5 belonged to the Mysore and Rs. 825 . 6 . 5 to the Hassan District, and Rs. 300 to the Sessions Court, the amount of unrealized fines including those of the previous years for the Mysore District was Rs. 9733 . 1 . 5 and Rs. 5662 . 15 . 2 for the Hassan District. The attention of the District Magistrates has been drawn to this; Rs. 1720 . 10 . 8 is the amount of unrealized fines standing against the Sessions Court.

62

Compensation

62. The amount of Compensation ordered to be paid under Section 308 of the Criminal Procedure Code, was Rs. 5680 " 15 " 11; of this Rs. 4957 " 15 " 9 was realized - the parties were paid only Rs 3641 " 7 " 7, the balance being still left in the Treasury owing to the absence of parties.

Whipping

63. There is an increase in the number of persons sentenced to whipping as the subjoined figures will show.

| | 1875 | 1876. |
|---|---|---|
| **Mysore District.** | | |
| Jagheerdar of Tillandur | " | " |
| 2nd class Magistrates | 11 | 10 |
| 1st Class do. | 19 | 21 |
| Town Magistrate | 6 | 23 |
| Deputy Commissioner | 7 | 4. |
| **Hassan District** | | |
| 2nd Class Magistrates | " | 12 |
| 1st Class do. | 1 | 12 |
| Deputy Commissioner | 10. | 16. |
| Total | 54 | 92. |

64. The increase is probably owing to the Judicial Commissioner's Circular No. 3 dated 6th Oct. 76 suggesting more frequent application of the provisions of the whipping act; of the persons whipped, nearly 20.6 per cent were sentenced to 10 stripes and under, 48.9 to 20 stripes and under

under, and 30·4 to 30 stripes and under.

## IV Preventive Jurisdiction

65. The annexed table shews the statistics of the preventive jurisdiction of Magistrates in the Division

| | Cases. | Persons brought to trial | Persons with respect to whom action was taken |
|---|---|---|---|
| Security or recognizance to keep the peace, Chap: XXXVII C.P.C | 3 | 9 | 9 |
| — do: — for good behaviour Chap: XXXVIII — C.P.C | 19 | 29 | 21. |
| Local nuisances - Chap: XXXIX | 1 | 4 | 2 |
| Maintenance Chap: XL | 14 | 14 | 1 |
| Disputes concerning land and water - Chap: XLI | 2 | 2 | 2. |

Security to keep the peace

66. 8 persons were bound over to keep the peace during the year in the Mysore District, and one in the Hassan District

Security for good behaviour.

67. The number of persons ordered to find security under chapter XXXVIII of the Criminal Procedure Code was 21 against 54 in 1875 - There is a considerable decrease in both the Districts, and no reason is assigned by the Deputy Commissioner. In the report of the Deputy Commr. Mysore, there is some inaccuracy, the persons bound over to keep the peace having been mixed up with those from whom security was taken for good behaviour.

68

68. The law of nuisances, Chapter XXXIX. Criminal Procedure Code is very little used. Action under it was taken in the case of 2 persons only in the Hassan District.

Local Nuisance

69. There appear to have been 14 petitions against 17 in the previous year. Of these maintenance was awarded in one case. 9 petitions were dismissed, and 5 compromised, the husbands having agreed to receive back their wives into their houses.

Maintenance

70. No petition was filed under chapter XL of the Criminal Procedure Code in the Mysore District, 2 petitions were lodged in the Hassan District for preventing disputes relating to the possession of land. In one case, the District Magistrate ordered the attachment of the property until the rights of the parties to it were settled by a Civil Court, and in the other, he bound over the accused to keep the place in the sum of Rs. 100.

Possession

## Part V Appellate Jurisdiction of Magistrates & Sessions Judges

71. The statement No. 5 shews the appellate work of the Division. The number of appeals preferred to Magistrates was 113 involving

General result

involving 307 Prisoners against 91 cases and 207 Prisoners in 1875. The number of appeals preferred to the Sessions Court rose from 21 cases affecting 26 prisoners to 25 cases and 60 prisoners during the year under review.

42. The total number of appeals for disposal including those pending at the end of the previous year was 149 with 384 persons, and of these, 142 cases & 372 prisoners were disposed of leaving a balance of 7 cases involving 12 prisoners.

43. The result of the appeals with reference to persons appealing was as follows:-

| | Court of Sessions Persons. | Magistrates Persons. |
|---|---|---|
| Rejected on perusal of petitions or on technical grounds. | 13.3 | .3 |
| Sentences Confirmed | 31.6 | 47.2 |
| do. modified | 21.6 | 21.1 |
| do. reversed or quashed on appeal. | 33.3 | 31 |
| Sentences enhanced | " | " |

44. In no case in the Division was the sentence enhanced in appeal.

45. The number of appeals from the Mysore District to the Court of Sessions was 11, while the number from the Hassan District was 14, excluding appeals to the Sessions Court. The Hassan District

shows

shows a large number of Appellate work; the number of appeals being nearly as double that filed in the Mysore District.

76. There were no appeals pending in the Sessions Court at the end of the year, 5 out of the 7 pending cases belonged to the Hassan District, the date of the oldest pending case being 9th December 1876.

## VI. General

Agency

77. The annexed table shows the distribution among the Courts of the various classes of the original work, including proceedings in cases committed to the Sessions.

| | Cases disposed of | | Percentage | |
|---|---|---|---|---|
| | 1875 | 1876 | 1875 | 1876 |
| Deputy Commissioner Mysore | 51 | 52 | 1.4 | 1.2 |
| do. Hassan | 66 | 86 | 1.8 | 2.1 |
| Assistant Commissioners Mysore | 495 | 648 | 13.8 | 15.9 |
| do. Hassan | 131 | 155 | 3.6 | 3.8 |
| Judicial Assistant do. | " | 1 | " | .02 |
| Police Assistant Mysore | " | 1 | " | .02 |
| Town Magistrate Mysore | 154 | 175 | 4.3 | 4.3 |
| Amildars | 1705 | 1951 | 47.7 | 48.1 |
| Munsiffs | " | 1 | " | .02 |
| Peishkars | 526 | 507 | 14.4 | 12.5 |
| Taluk Sheristadars | 434 | 448 | 12.1 | 11.04 |
| Jahgirdar Magistrate | 10 | 31 | .2 | .7 |
| Total | 3572 | 4056 | 99.3 | 99.7 |

78. The following statement shows the amount of original and appellate work disposed of in each District by the Deputy

Deputy Commissioner

| Districts. | Under Deputy Commr's enhanced powers under Sec: 30 & 36 | Under Deputy Commr's Magisterial powers | Under Deputy Commr's appellate powers. |
|---|---|---|---|
| Mysore. | 26. | 26. | 33 |
| Hassan. | 20. | 66. | 70. |
| Total. | 46. | 92. | 103. |

District Magistrates

79. With the multifarious duties pressing on District Officers, it is important to watch that the Office of the Magistrate of the District is not allowed to fall into the back ground. The Deputy Commissioner of Hassan and next to him the Deputy Commr. of Mysore performed a creditable share of original work.

Amildars & Peishkars

80. The amount of cases tried by Assistant Commissioners, Amildars, Peishkars and Sheristadars has slightly increased.

Wilnesses

81. The annexed statement shews the number of witnesses who attended the Courts in each District during the year, and the amount expended in diet money.

| District | No: of witnesses attended. | Amount of diet money paid. |
|---|---|---|
| Mysore. | 9095 | 26. 8. 0 |
| Hassan. | 6960. | 3. 8. 0 |
| Total. | 16055 | 30. 0. 0. |

83. 84 witnesses attended the Sessions

Sessions Court to give evidence in Sessions trials, but no payments for their travelling expenses were made by Government.

84. The detention of witnesses is shown in the following

15353 witnesses were detained one day.
802 —— do. —— do. —— 2 days
64 —— do. —— do. —— 3 days.
20 —— do. —— do. —— 4 days.

85. Captain Maltby states that the entries in the diary of witnesses are not reliable, and that witnesses are often put down as detained one day only, when they have been dragged to Court several times and kept for days hanging about and on examining the register of witnesses in one of the Taluks in the Hassan District, I had to make similar observations. A closer supervision on the part the District Magistrates ought to ensure correctness and accuracy in keeping the Register.

Assessors.

81. Out of the 22 cases tried at the Sessions no assessors were chosen in one; their opinions were not taken in 3; the Sessions Judge differed from the Assessors in 4 and concurred in 13, and in one he concurred with the majority. I have nothing more to add to the remarks I made on the subject

Subject in my administration report 187[illegible].

The reports received from the Deputy Commissioners of Mysore and Hassan are herewith sent in original.

I have the honor to be
Sir
Your most obedient servt.

[illegible]
Commissioner
Ashtagram Divn.

No. 311.

Section Judl
File No 3-1875
Serial No 2

Shikarpur Commissioner's Office.

Camp Naddur 24th February 1877.

To

The Judicial Commissioner of Mysore.

Sir,

I have the honor to submit the following Report on the administration of Civil Justice in the Division for the past year, together with the usual statements noted in the margin.

Civil Statements Nos 6, 7, 8, 9, & 10. Stamps A & B. Civil Miscellaneous and Process D

2. During the year under report, owing to the unequal distribution of the Civil work, the original and appellate jurisdiction which the Deputy Commr. and the Judicial Assistant Commissioner of Mysore had over the Talooks of Nagamangala and Attikuppa with the exception of Kicheri Hobli was withdrawn from them, and transferred to the Officers of the same grade in the Hassan District, the Munsiff of Mandya however retaining his original jurisdiction over them as heretofore, and this change has been found to work beneficially

by

by lightening the unduly heavy file of the Judicial Assistant Mysore.

Statement No. 6
Institution of suits

3. The total number of suits instituted during the year, in all the Courts of the Division is 6365 or 457 (amounting to 7.1 per cent) more than the number filed during the previous year. Of this number, 160 belong to the Mysore, and 297 to the Hassan District.

4. The following is a comparative Statement of the number of suits instituted in the Division during the past and the previous years.

| Courts | 1875 | 1876 |
|---|---|---|
| Commissioner's Court | " | 2 |
| Deputy Commr's Court Mysore | 2 | 4 |
| Do Hassan | " | " |
| Judicial Assistant's Court Mysore | 592 | 624 |
| Do Do Hassan | 194 | 172 |
| Moonsiff's Court, Mysore | 3854 | 3978 |
| Do Do Hassan | 1266 | 1585 |
| Total | 5908 | 6365 |
| Increase | | 457 |

Includes cases filed in the Courts of Amildars.

5. From the above, it will be observed that there has been an increase in all the Courts in the Division, except in the Judicial Assistant's Court Hassan, where the

the number has fallen off from 194 in 75 to 172 during the year under report. The Deputy Commissioner states that this was due to the Judicial Assistant having had jurisdiction in the early part of 75 over petty cases in the District, which after the introduction of the Moonsiffs' scheme, became amenable to the jurisdiction of Moonsiffs.

6. The increase in the number of suits was chiefly in the Moonsiffs' Courts, a fact which shows that these Courts are very popular and afford greater facilities for the people resorting to them than the Amildars' Courts.

7. The following Comparative Statement shows the general classification of suits instituted during the years 1875 and 1876.

| | Suits for money | 1875 | 1876 | Increase | Decrease |
|---|---|---|---|---|---|
| 1. | On written obligation | 3247 | 3335 | 88 | " |
| 2. | On un-written obligation | 475 | 601 | 126 | " |
| 3. | On accounts stated | 457 | 577 | 120 | " |
| 4 | Money had and received | 186 | 109 | " | 77 |
| 5 | Goods sold | 298 | 223 | " | 75 |
| 6 | Breach of Contract | 126 | 148 | 22 | " |
| 7. | Rent not falling under Rent Law | 164 | 153 | " | 11 |
| 8 | Movable property or value thereof | 276 | 408 | 132 | " |
| 9. | Damages | 132 | 121 | " | 11 |
| | Total | 5361 | 5675 | 488 | 174 |
| | **Other Suits** | | | | |
| 10 | Suits for movable property | 431 | 564 | 133 | " |
| 11 | Suits for specific performance of Contract | 4 | 10 | 6 | " |
| 12. | Suits to declare and establish rights to real property | 35 | 8 | " | 27 |
| 13 | Suits to establish personal rights | 26 | 24 | " | 2 |
| 14 | Suits for an account | " | 11 | 11 | " |
| 15 | Suits relating to religious endowments | 3 | 7 | 4 | " |
| 16 | Suits to set aside Contracts judgments and obligations on the ground of fraud. | 4 | 4 | " | " |
| 17 | Suits for enforcement of matrimonial rights | 17 | 30 | 13 | " |
| 18 | Suits for partition | 27 | 24 | " | 3 |
| 19 | Suits relating to religion and caste | " | 8 | 8 | " |
| | Total | 547 | 690 | 175 | 32. |
| | Grand Total | 5908 | 6365 | 663 | 206 |
| | Net increase | | | 457. | |

From the above it is apparent that there has been a marked increase in the description of suits numbered 1, 2, 3, 8 and 10, while numbers 4, 5 and 12 have decreased.

There was a false entry of 4 cases in the Statement for 1875 under the head "Rent Law". This has been since corrected.

The total value of suits filed during the year is Rs. 740818 " 9 " 5 as against Rs. 623969 " 6 " 3 or an increase of 15.7 per cent, which is nearly equal in both the Districts. The average value of each suit is Rs. 116 " 6 " 0.

Statement No. 7

The total value of suits disposed of was, Rs. 669736 " 4 " 5 as against Rs. 804252 " 2 " 4, resulting in a decrease of 20.08 per cent, and the average value of each suit is Rs. 104 " 7 " 5.

The following is a classified statement of suits according to their value.

| | Insurance | | | | Average | Jud. Acts | | | | Average | Dishonour | | | | Average | Commission | | | | Average | Total | | | | Average |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | No. | Amount | | | | No. | Amount | | | | No. | Amount | | | | No. | Amount | | | | No. | Amount | | | |
| Not Exceeding Rs 5 | 252 | 893 | 8 | 6 | 3.5 | 13 | 38 | 13 | " | 3 | | | | | | | | | | | 265 | 932 | 5 | 6 | 3.5 |
| ___ do. ___ 20 | 1310 | 17158 | 6 | 8 | 13. | 27 | 317 | 8 | 8 | 11.7 | | | | | | | | | | | 1337 | 17475 | 15 | 4 | 13. |
| ___ do. ___ 100 | 3101 | 15593 | 7 | 2 | 50.2 | 225 | 14683 | 4 | 2 | 65.2 | | | | | | | | | | | 3326 | 170636 | 11 | 4 | 51.2 |
| ___ do. ___ 500 | 925 | 154341 | 6 | 8 | 166.5 | 396 | 97838 | 11 | 10 | 247 | | | | | | | | | | | 1321 | 252180 | 2 | 6 | 190.8 |
| ___ do. ___ 1000 | | | | | | 99 | 57236 | 13 | 9 | 578.1 | | | | | | | | | | | 99 | 57236 | 13 | 9 | 578.1 |
| ___ do. ___ 5000 | | | | | | 56 | 98920 | 3 | " | 1766.4 | | | | | | | | | | | 56 | 98920 | 3 | " | 1766.4 |
| ___ do. ___ 10000 | | | | | | | | | | | 4 | 30009 | 2 | " | 7502.2 | 1 | 9720 | " | " | 9720 | 5 | 39729 | 2 | " | 7945.8 |
| ___ do. ___ 100000 | | | | | | | | | | | | | | | | 2 | 32624 | 15 | " | 16312 | 2 | 32624 | 15 | " | 16312. |
| Exceeding 100000 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | 5588 | 328346 | 13 | " | 58.6 | 816 | 269035 | 6 | 5 | 329.5 | 4 | 30009 | 2 | " | 7502.2 | 3 | 42344 | 15 | " | 14114.6 | 6411 | 669736 | 4 | 5 | 104.2 |

It would appear from the above, that no less than 87.03 per cent of the entire Civil work was disposed of by the Moonsiffs. Of the total number disposed of, 67.7 were suits for sums not exceeding Rs: 100.0.0, and the average value of suits disposed of in the Courts of Moonsiffs and Judicial Assistants, Deputy Commissioners and Commissioner is respectively Rs: 58.7, 329.6, 7502.2, ~~and~~ 14114.6.

Statement No. 8

This statement gives the general results of trials of suits of original jurisdiction in the different Courts of the Division.

Including the 714 cases pending at the end of 75 there were in all, 7080 cases in 1876 for disposal, of which 6411 were disposed of during the year, leaving 669 cases pending at its end, and the manner in which these were disposed of can be gathered from the subjoined table.

| No. of Suits | Contested | | Total | Claim rejected | Dismissed for default | Withdrawn | Compromised | Decreed on confession | Decreed ex parte | Dismissed ex parte | Total | Grand Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | For Plaintiff | For Defdt. | | | | | | | | | | |
| 1876 | 1519 | 693 | 2212 | 42 | 601 | 134 | 274 | 1328 | 1584 | 233 | 4199 | 6411 |
| 1875 | 1246 | 417 | 1663 | 47 | 569 | 101 | 317 | 1133 | 1465 | 255 | 3887 | 5550 |
| Percentage | | | | | | | | | | | | |
| 1876 | 68.6 | 31.4 | 34.5 | 1.002 | 9.3 | 2.1 | 4.2 | 21.5 | 24.7 | 3.6 | | |
| 1875 | 74.9 | 25.1 | 29.9 | .8 | 10.21 | 1.8 | 5.7 | 20.41 | 26.1 | 4.5 | | |

It is clear from these figures, that no marked difference is observable in the percentage of the cases disposed of in different ways during the last 2 years, and no explanation can be given for the slight increase or decrease under the various sub-heads

The following statement compares the average duration of contested and uncontested cases in the several courts for the years 1875 and 1876.

| | Contested | | Uncontested. | |
|---|---|---|---|---|
| | 1875 | 1876 | 1875 | 1876. |
| Mysore. | | | | |
| Moonsiffs Courts | 35.4 | 38.4 | 19.76 | 20.5 |
| Judicial Assistt's Court. | 98.75 | 73.7 | 24.5 | 26.7 |
| Deputy Commrs Court. | 538.6 | " | 61. | 82.5 |
| Hassan. | | | | |
| Moonsiffs' Courts | 32.6 | 49.61 | 24.3 | 27.72 |
| Judicial Assistt's Court | 52.13 | 53.82 | 30.61 | 25.29 |
| Deputy Commrs Court. | " | " | " | " |
| Commissioner's Court. | 869.5 | 196 | " | 141 |
| Average for the whole Div | 40.8 | 45.1 | 21.3 | 23.3. |

There is some improvement in the average duration in the Court of the Judicial Assistant Mysore District. While some increase is visible under this head in the corresponding Court in the Hassan District. In the Commissioner and the Mysore Deputy Commissioner's Courts

Courts, the average duration of uncontested suits is rather high, and this has materially contributed to increase the average duration of the uncontested suits in the Division. This is due to the four cases instituted in the Deputy Commissioner's Court, and one in the Commissioner's Court, all of which were compromised at a late stage after some contest between the parties. Cases of this description are shewn under the head uncontested, for want of a sub-heading "Compromised" under the major head "Contested". The average for the whole Division is however slightly on the increase, but neither of the Deputy Commissioners account for this.

No original case has been filed during the last 2 years in the Deputy Commissioner's Court Hassan, and this is attributed to the circumstance that in the Hassan District, the agricultural population greatly preponderate, and that most of them belong to the poorer classes. It is satisfactory to note that there are no cases of 1875 pending in any of the Courts in the Division, except that of the Judicial Assistant of Mysore, in which, the date of the oldest case pending, is 17th September 1875.

The

Review by the Offg Ind. Commissioner, of the Criminal Administration of the several Districts in Mysore during the year 1875.

## Bangalore District.

Criminal

There were in this District during the year under review 13 Magistrates of the 3rd Class, (Amildars Peishkars and Sheristadars) 3 Magistrates of the 2nd Class, & 3 Magistrates of the 1st Class who were all in charge of Divisions of the District, and the District Magistrate who exercised also enhanced powers under Section 36 of the Code of Criminal Procedure. Three only of the Amildars had powers to commit to the Court of Sessions

2. Three thousand eight hundred and seventy three offences concerning 8061 persons were reported, as against 3338 cases and 6575 persons respectively in the previous year, being an increase of

535 Cases and 1486 persons
The increase was chiefly in
the number of offences against
the Municipal and Octroi
Rules and minor offences against
the person. Out of 550 of-
-fences which are shewn as
cognizable the number of
Cases struck off as false or
exaggerated is stated to be
278, or more than one half
the number reported to the
Police. This is a very un-
-satisfactory return, as no
explanation is given regard-
-ing it nor is it stated in
how many, if in any, of
these Cases Criminal prosecu
tions were instituted for
false information or com-
-plaint. It would seem
either that the Criminal
Courts or Police Officers had
been needlessly set in motion,
or that a large number of
Cases had been got rid of
as false, or exaggerated after

a superficial investigation

3. In 3648 cases, 7864 persons were brought to trial, as compared with 3335 cases concerning 6547 persons in the preceding year. More than one half of the cases were tried by the Magistrates Courts of the Town and Cantonment and of the Bangalore Peishkar.

| | |
|---|---|
| Cantonment Magistrate's Court | 805 |
| Sur Ameen's Court | 615 |
| Peishkar's Court | 517 |
| Total | 1937 |

4. Including 9 cases, concerning 27 persons under trial at the beginning of the year, there were for disposal 3657 cases concerning 7891 persons. Convictions were obtained in 2203 cases that is in about 60·4 per cent. The percentage was highest in the Court of the Cantonment and Town Magistrate and in that of the Sur Ameen, having been 81·7 and 74·6 respectively. This is due to the large number of petty cases connected with the Municipality prosecuted before

these Courts and punished generally by small fines. The percentages of convictions were high also in some of the 3rd Class Magistrates' Courts. The Deputy Commissioner should occasionally satisfy himself that nominal punishments are not given in such Courts to ensure good averages and thus to embellish returns. On the other hand, it is observed that there was a large number of acquittals and discharges before some Amildars, as for instance those of Anikal and Nelamangal. This seems to indicate that the careful examination of complaints before issue of processes had not been observed, and that people lightly accused have been often unnecessarily dragged from their houses into Court

5- Twenty one Cases Com-

cerning 55 persons accused remained under trial at the end of the year. Two of these cases were pending for more than one month, one in the 1st Assistant Commissioner's Court from 4th August, and the other in the Town and Cantonment Magistrate's Court since the 2nd November 1876.

6. The average duration of cases is stated to have been three days, which if correctly calculated is not susceptible of improvement, but it is feared that there must be some error in this Return as several witnesses were detained for three and more days, while witnesses cited for the defence could not well be summoned and examined in the short time given as the average duration of cases. It is therefore requested that this Return be tested by

a fresh calculation and the result submitted. Cases for breach of Municipal Octroi or Forest Rules should be excluded.

7. Of 7774 witnesses examined by the Magistrates, 7572 were examined and discharged on the first day, 187 on the second, 11 on the 3rd, and 4 on the 4th day. The longest detentions were in the Court of the 1st Assistant Commissioner. It is hoped that measures will be taken to ensure the more prompt discharge of witnesses in all the Courts, for unless more consideration be paid to the convenience of witnesses the unpopularity of the Criminal Courts will increase and people will with difficulty be induced to attend.

8. The Deputy Commissioner has omitted to report the number of cases

in which summary trials were held and the result of such trials.

9. The remarkably large number of cases in which simple imprisonment was imposed on conviction is not by any means favorable as it is a punishment that rarely commends itself, fine or rigorous imprisonment being preferable. The Deputy Commissioner should give careful attention to this matter.

10. Fines to the amount of Rs. 12,521 were imposed giving an average of Rupees 3-6-7 per case being nearly the same proportion as in 1874. It is satisfactory to find that out of this sum Rs. 11,205 or 89.5 per cent were realized but the realization of Rs. 4412 of the balance of former years is very small. The explanation offered by the Deputy Commissioner however shows that the matter has not escaped his attention

and that the balances are in most cases irrecoverable.

11. Out of Rupees 1881 awarded as compensation to complainants or injured parties, Rupees 1595 were recovered, and Rupees 1025 paid away. The amount in deposit is large and should be reduced. On the other hand, out of Rupees 242-14-0 awarded to accused persons as amends Rupees 230-10-0 were either paid away or held in deposit.

12. The repayment of Rupees 262-12-0 was ordered under section 31 of the Court Fees Act on conviction of the accused in non-cognizable cases.

13. Whipping was used as a punishment in the case of 125 prisoners, 112 of the sentences having been passed by the Sub Jineen and the Town and Cantonment Magistrate. In other courts this punishment has been but rarely resorted to, the Deputy Commissioner

should impress upon his subordinate Magistrates that it is preferrable that they should send in Juveniles for such punish-ment than that such persons should be sub-jected to imprisonment. Those Magistrates who are competent to pass sentences of whipping should be called upon to exercise those powers in suitable cases, more than they have done.

14. The results of Appeals heard by the District Magistrate and the 1st and 2nd Assistant Commissioners was generally unfavorable to the sub: Magistrates, as one third of the sentences appealed against have been reversed.

15. The average duration of Appeals is stated to be 8 days and only two Appeals were pending at the close of the year in both of which further enquiry had been ordered

16. Nine cases were tried by the Deputy Commissioner under Section 36 of the Code of Criminal Procedure with the following results. Ten persons in 5 cases were convicted, 11 in 3 cases acquitted, and 3 persons in the remaining case were discharged. The sentence passed upon one person was submitted to the Sessions Judge who confirmed it. In one of the cases in which the Deputy Commissioner discharged the accused person his order was set aside on revision, and he was directed to proceed with the trial.

17. Five appeals were preferred to the Sessions Court against the sentences passed by the Cantonment Magistrate, the sentences in 4 were confirmed, and the other

case had not been disposed of at the end of the year. Appeals were also preferred against 5 sentences passed by the 1st Assistant Commissioner, 1 of these was confirmed, 2 were modified and the remaining 2 cases, as also the 2 appeals filed against the Deputy Commissioners decisions were pending disposal at the close of the year.

18. In the Sessions held in this District by the Commissioner of Nandidroog, 65 persons were tried in 24 cases, 45 persons in 18 cases being convicted.

19. Mr Ricketts was Deputy Commissioner for the greater portion of the year under review. He was very attentive in supervising his subordinates work, and did a fair quantity of work as the District Magistrate, but some of

his cases that came be=
=fore the Judicial Commis
=sioner showed an incli=
=nation to acquit on in=
=sufficient grounds, the
evidence for the prosecu=
=tion having been rejected
without good reason.

# Kolar District.

Criminal

There were in this District during the year under report 20 Magistrates, namely the Magistrate of the District with enhanced powers under Section 36 of the Code of Criminal Procedure, 1 Magistrate of the 1st class in charge of a Division of the District, one of the 2nd class, also in charge of a Division of the District, and 17 Magistrates of the 3rd class (Amildars Peishkars, and Sheristadars).

2. One thousand six hundred and forty one offences are said to have been reported, as against 2304 in the previous year, being a falling off of 663 cases. This decrease appears to have been in all classes of crime, and it is rather strange that in one District alone there should have been such a large decrea

The Deputy Commissioner how=
=ever offers no explanation
upon this point.

3. The number of cases
struck off as false or exaggera=
=ted, and the number of com
=plaints rejected under Sec=
=tion 147 of the Criminal
Procedure Code, are not stated
by the Deputy Commissioner,
but the number reported and
the number brought to trial
are so nearly equal, that
there is reason to think
that the false and exag=
=gerated cases and complaints
dismissed have been excluded
from the number returned
as reported. If this has been
done, the return would be
incorrect, and the Deputy Com=
=missioner is accordingly requested
to give an explanation on this
point. In 1652 cases, 3058
persons were brought to trial,
and out of these 1588 persons
in 1001 cases, were prosecuted to

to conviction, being about 60·5 per cent of the cases.

4. The percentage of persons convicted was 52·64, being very nearly the same as in the previous year. These are not satisfactory returns, as they show that a large number of persons, were unnecessarily brought before the Criminal Courts. The Police in their investigations, and the Magistrates in their preliminary examination of complainants, should be more careful, in ascertaining that good prima facie grounds exist before they ifsue processes against the accused persons.

5. Of the 1641 cases dealt with by Magistrates during the year, 308 came under investigation by the Police. The proportion of persons convicted in such cases was about 63 per cent, as compared with about 50 per cent in cases taken by the order of the Magistracy.

H. D. Inst. Commissioner

Reports that a large number of cases have been withdrawn or dismissed for default, and that the number of persons concerned in such cases was more than one third of the total number, namely 1238, shewn as acquitted. The large number of cases which the Sub Magistracy dispose of in this manner requires the supervision of the District Magis-trate who should satisfy himself that such proceed-ings are conducted in accor-dance with law

7. There were only 18 persons in 11 cases under trial at the end of the year, and it is very satisfactory that none of these cases had been pending for more than 17 days. The average duration of cases is stated to be 3 1/2 days which if correctly cal-culated is not susceptible of improvement, but it is

feared there must be some error in this return, as wit=
=nesses for the defence could not well be summoned and examined in the short term given as the average duration of cases. In the Deputy Com=
=missioner's Court, the average duration is said to have been only one day. This is quite incredible as the heavier cases tried by him must have lasted for many days. It is therefore requested that these returns be tested by a fresh calculation and the result submitted

8- Of 4982 witnesses exa=
=mined, 4861 were discharged on the first day, 117 on the second day, and 4 on the third day. Not one witness was detained beyond 3 days This return is satisfactory if it has been correctly pre=
=pared.

9- In only 3 cases were

District Magistrate was the only Officer in this District who had such powers.

10- Out of the 1588 persons convicted, 1295 or about 81 per cent were punished with fine only. 66 out of the 270 persons imprisoned were sentenced to simple imprisonment.

11- Fines to the amount of Rs. 6361 were imposed, giving an average of Rs. 4-7-6 as compared with Rs. 2-13-3 in 1874. This difference has not attracted attention or been explained. Only Rupees 5311 or 84 per cent were realized. This would seem to show that the fines inflicted have been unduly severe in some instances. The realizations (Rs. 91) of the balances of former years (Rs. 3965) are very small, and in explanation of this the Deputy Commissioner reports that the Police

=rants in several old cases on the ground that the Prisoners were possessed of no property.

12. Out of Rs. 1356 awarded as compensation to complai=nants or injured parties, Ru=pees 965 were recovered. Out of this amount and the sum of 606 Rupees in deposit on this account at the end of the pre=ceding year, Rupees 1017 have been paid away, leaving the balance in hand Rs. 350 which it is stated had not been paid to the injured parties as the term of appeal had not expired.

13. Rupees 217 were awarded to accused persons as amends. Including the awards of the previous year, 218 were paid away and at the close of the year under review there was a balance in hand of Rupees 127-4-11. The repayment of Rs 265-8-11 was ordered under Sec=tion 31 of the Court Fees Act

on conviction of the accused. in non cognizable cases.

14. Whipping was not much used as a punishment. Only 7 persons were so sen=tenced as against 16 in 1874, 6 of these 7 convicts were Ju=venile offenders which is satis=factory, but it is hoped that those Magistrates who are invested with powers to pass sentences of whipping will exercise them more as it is a punishment which has a very beneficial influence in cases of petty theft and similar offences.

15. The result of 47 ap=peals heard by the District Magistrate was as follows.

22 sentences confirmed
4 — do — modified
21 — do — reversed.

The large proportion of cases in which their sentences were disturbed is not creditable to the subordinate Magistracy.

The

The average duration of appeals is stated to be ten days, and no appeal remained undecided at the close of the year which is extremely satisfactory.

16. Eighteen cases were tried by the Deputy Commissioner under Section 36 of the Code of Criminal Procedure during the year under review with the following results.

In 16 cases, 23 persons were convicted and 2 acquitted, 2 persons in 2 cases were discharged. The sentences passed upon 5 persons were submitted to the Sessions Judge for confirmation and were all confirmed. These results are very favorable to the Deputy Commissioner.

17. No appeal was preferred to the Sessions Judge against the sentences

passed by the Deputy Com=
=missioner. The only appeal
preferred to the Session Judge
was against an order passed
by the 2nd Assistant Com=
=missioner which was con=
=firmed on Appeal.

18. In the Sessions held
in this District by the Com=
=missioner of Nandidroog
10 persons in 5 cases were
tried, 7 of them were con=
=victed and 3 acquitted.
These results are generally
very favorable to Mr B.
Krishna Iyengar who held
the Office of Deputy Com=
=missioner throughout the
year.

Tumkur District

Criminal

There were in this District during the year under review 15 Magistrates of the 3rd Class, Amildars Peishkars and Sheristadars, two Magistrates of the first class one of whom was in charge of a Division of the District, with power to hear appeals, and the District Magistrate with enhanced powers under Section 36 of the Code of Criminal Procedure.

2. One thousand two hundred and ninety three offences were reported as against 1403 in the previous year, which is only a trifling variation, and it is satisfactory to find that this has been mainly caused by a falling off in the number of cases of assault and Insult; there has however been an increase in cases of perjury and forgery.

3. The number of cases struck off as false or exaggerated is not stated by the Deputy Commissioner

4. In the 1293 offences reported, it is stated that 3097 persons were accused or suspected, but in the 1313 cases brought to trial, convictions were obtained only in 702 cases, that is in about 53 per cent. 148 summons cases were withdrawn or dismissed for default in which 216 persons were concerned. The large number of cases thus dealt with requires the attention of the District Magistrate. The percentage of persons convicted to the number tried is only about 46, owing to a large number of acquittals and discharges before many of the 3rd Class Magistrates. The result is not satisfactory and seems to indicate that the careful examination of complainants before issue of process has not been ob-

served and that people lightly accused have been often unnecessarily dragged into Court. The Deputy Commissioner when inspecting the Palm Courts should turn his attention to this point and see that processes are not issued unnecessarily, and as a matter of course, because complaint has been made. The percentage of convictions in cases which underwent a Police investigation seems to be about the same as in cases brought directly before Magistrates which is not favorable to the Police, but as the force has only recently been organized there will, it is to be hoped, be much improvement ere long.

5. There were 15 cases concerning 28 persons accused remaining under trial at the end of the year. Three of these were pending for more than one month, the accused in two cases having evaded arrest

and the prisoner in the re=
=maining case having es=
=caped from custody after
arrest. Measures it is reported
are being taken to apprehend
these men. The average du=
=ration of cases is stated
to be 4·57 days, nearly the
same as in the previous
year.

6. Of 4941 witnesses examined
by the Magistrates, 4452
were discharged on the first
day, 332 on the second, 61 on
the third, 50 on the fourth,
7 on the fifth, and 39 on the
6th day. The long detentions
of witnesses thus shewn are
very unsatisfactory. They were
chiefly in the 1st Assistant
Commissioner's Court. It is
hoped that measures will
at once be taken to ensure
the more prompt discharge
of witnesses in all the Courts
for unless more considera=
=tion be paid to the convenience
of witnesses, the unpopularity

of the Criminal Courts will increase, and people will with difficulty be induced to attend

7. The Deputy Commissioner has omitted to report the results of summary trials held in his District.

8. The number of cases in which simple imprisonment was imposed on conviction was large. This is to be regretted as simple imprisonment is a punishment that rarely commends itself, fine or rigorous imprisonment being preferable The Deputy Commissioner should pay attention to this matter.

9. Fines to the amount of Rupees 5326 were imposed giving an average of Rupees 4-11-6 per case against Rupees 3-13-6 in 1874. It is satisfactory to find that Rupees 5186-15-9 or 97.4 per cent were realized. But the realizations out of the balance

of former years is very small and the Deputy Commissioner has offered no explanation on the subject.

10. The amount of compensation awarded to injured parties was Rupees 262-13-2, of which Rupees 244-6-2 were paid away during the year. On the other hand, Rupees 985-6-.. were awarded to 917 persons accused in 331 cases, of which Rupees 466-10-3 were paid away, and Rupees 518-11-9 held in deposit.

11. The repayment of Rupees 237-8-.. was ordered under section 31 of the Court Fees Act, on conviction of the accused in non cognizable offences

12. Whipping was not much used as a punishment although during the year under review 7 persons were flogged as against

only one in 1874. The Deputy Commissioner should impress upon his subordinate Magistrates that it is preferable that they should send in Juve=niles for such punishment than that such persons should be subjected to im=prisonment. Those Officers too who are competent to pass sentences of whipping should exercise those powers as such sentences have in practice been found to operate beneficially as a deterrent especially in cases of theft.

13. Out of 23 Appeals pre=ferred against sentences passed by the Sub Magis=trates, in 12 cases the sen=tences were confirmed, in 3 cases they were modified and in 7 reversed.

14. No cases were tried by the Deputy Commissioner under Section 36 of the Code

of Criminal Procedure as it was only towards the end of the year that he was invested with such powers.

15- Three Appeals against the orders passed by the 1st Assistant Commissioner and one against that of the Deputy Commissioner were preferred to the Commissioner of Nandidroog. The sentences in all these Cases were confirmed.

16- In the Sessions held in this District by the Commissioner, 16 persons were tried in 8 Cases, 12 persons in 6 Cases being convicted and sentenced, and 4 persons in 2 Cases acquitted. These results are not unfavorable

17- Major C Pearse who held the Office of Deputy Commissioner throughout the year himself did comparatively little Criminal work, but he was careful in his supervision of his subordinates.

Mysore District

Criminal

During the year 1875 there were 22 Magistrates in this District, viz, the District Magistrate exercising enhanced powers under Section 36 of the Code of Criminal Procedure, three Magistrates of the 1st class (including the Town Magistrate at Mysore) all of whom had been invested with the power of holding summary trials. There were two, 2nd class Magistrates, an Assistant Commissioner and an Amildar, and there were 16 third class Magistrates, (Amildars and Peishkars) 5 Amildars had the power of holding preliminary enquiries in cases triable by the Court of Sessions.

2. The number of offences reported has increased from

1847 in 1874 to 1902 in the year under report.

3. Four hundred and twelve of these cases were after Police investigation reported to be false or exaggerated. The number is very high, but the Deputy Commissioner does not refer to these returns of the previous year. No information is given whether in any, and if so in how many of these cases Criminal prosecutions were consequently instituted and their result. The Deputy Commissioner observes, "the figure is large and shows how prone the Natives of the country are to exaggeration of facts." This may to some extent account for these returns, but they are often swollen through the inefficiency or laziness of the Police.

Four thousand two

hundred and fifty persons were brought to trial in 1922 cases, as against 3905 persons in 1836 cases. There has thus been little variation.

5. It appears that the numbers of the different kinds of processes under which the accused in these cases were brought before the Criminal Courts, have not materially varied except in Warrants, and this heading shows a falling off as compared with other kinds of processes, which is very satisfactory.

6. The cases brought to trial resulted in the discharge of 501 persons in 212 cases, and in the acquittal of 1718 persons in 649 cases, 1889 persons in 1001 cases being convicted. These general results are on the whole not unfavorable. The detailed statement which the Commissioner has given in para 15 of his Report shows

Table variation

in the various Classes of Courts. There seems to be some mis-apprehension of the manner in which such Returns are regarded in an Administration Report.

7. The Deputy Commissioner refers to the subject in the following terms. "The previous improved ratio was perceptibly due to the severe pressure placed on Magistrates by holding them personally to blame for acquittals and dismissals. They now feel that they no longer need deny justice by refusing to take up cases for fear of their breaking down and can exercise perfect freedom in their disposal without fear of censure

It is quite a mistake to suppose that there is or has ever been any desire to coerce the discretion of Magistrates, to show a preponderance of convictions

and to create a prejudice unfavorable to the accused under trial. Such returns too cannot be considered except for lengthened periods. But they are very valuable in showing whether persons have been needlessly dragged into Court without care being taken before issue of process to ascertain whether a fair prima facie case has been made out. The law compels the public to attend a Magistrate's Court when required to do so, but it also expects Magistrates to afford them some degree of protection by the exercise of some care and intelligence in sifting ex parte statements and not summoning them needlessly from their homes and occupations. Thus, when in a petty case a large number of persons are accused, a Magistrate by a careful preliminary examination of the

complainant will be able to ascertain who are the Principal persons concerned, and he should abstain from issuing processes against those who have been brought on merely to swell the case and make it assume an importance that it does not deserve. The law too (Section 440) Code of Criminal Procedure) enables a Magistrate to postpone issue of process against an accused, if there is reason to distrust the truth of a complaint, and there is good reason to suppose that this very salutary provision is much neglected, and that if examination of complainants had been more carefully conducted, many cases which resulted in the discharge or acquittal of the accused would not have proceeded as far as the issue of any process for the attendance of the accused. The

=municate these remarks to the Magistrates of the Mysore District.

8- Summary trials were held in 303 cases, the largest number being held by Mr. Shanmoogavaloo Pillay. The Commissioner states, "I am inclined to believe that there "is a tendency to dispose of "cases summarily which should "be otherwise tried, and to "award sentences inadequate "for the punishment of the of= "=fences actually committed" This is a matter that calls for the Commissioner's supervision on perusal of the Calendars submitted. A continuance of such a practice by any Magis= trate, after it has been brought to his notice will subject him to censure.

9- The average duration of trials before Magistrates is stated to be 4·23 days ranging from 3·33 in the Periakaro Courts to 8·86 before the Deputy

Commissioner

10. The punishment awarded were in point of severity much the same as in the previous year. Thirteen per cent of the sentences of imprisonment passed were simple, as compared with 18 per cent in 1874. Forty three persons were whipped as against only 13 persons so punished in the preceding year. These results are satisfactory as far as they go.

11. Sentences of fine amounting to Rupees 10,037-10-.. were passed on 1560 persons, being an average of Rupees 6-6-11 as compared with Rs. 7-14-2 in the previous year. The realizations amounted to Rupees 9172-6-8 or 91 per cent. This is satisfactory. But out of the balance of previous years (Rs. 9642-9-8) only the very small sum of Rupees 601-8-5 has been realized and the Deputy Commissioner offers no explanation

12- Rupees 1727-12-10 were awarded as compensation under Section 308 of the Code of Criminal Procedure. Rupees 1466-6-" realized, and Rupees 1058-15-8 paid away.

13- In 76 cases, amounts amounting to Rs. 581-4-" were awarded to 186 accused persons, but Court fees ordered to be repaid to complainants amounted to only Rupees 158-8-; that is to a little more than one half of what it was in the previous year.

14- The average duration of trials was nearly the same as in the previous year-viz about 4 1/4 days, and calls for no special remarks.

15- Seven thousand and fifty witnesses were examined and discharged on the first day, 605 on the second day, 32 on the third day, and 8 on the fourth day.

16. There were 55 Appeals

preferred against sentences passed by the Sub Magistracy, and in 22 cases the sentences were re-
-versed and in 6 cases they were modified. This was not favorable to the Sub Magistracy

17. In the case of 11 sen-
-tences passed by 1st Class Magistrates (including the District Magistrate) appeals were preferred to the Sessions Judge. Ten of these were confirmed and 1 modified.

18 - Forty six persons were tried by the District Magistrate under his enhanced powers under Section 36 of the Code of Criminal Procedure. In 19 Cases twenty six per-
-sons were punished and in the other cases twenty per-
-sons were either acquitted or discharged. Of the sentences passed, the two which required the Sessions Judges Confirma-
tion were confirmed by that

Officer.

19. In the Sessions held in this District 21 persons in 7 cases were tried, 18 of them in 4 cases were convicted, and the 3 others acquitted.

# Hapan District.

Criminal.

During the year 1875 there were 20 Magistrates in this District, viz, the District Magistrate exercising enhanced powers under Section 36 of the Code of Criminal Procedure, one Magistrate of the 1st Class and one Magistrate of the 2nd Class both Assistant Commissioners in charge of Divisions of the District, and 17 Magistrates of the 3rd Class (Amildars Deshkaro and Sheristadaro). Two Amildars though they had previously been invested with the powers of holding preliminary enquiries, did not exercise such powers during the year under Report.

2. The number of offences reported during the year was only 1666 as against 2265 in the previous year. This large

falling off is regarded by the Deputy Commissioner as favorable

3- Three hundred and twenty one of these cases were after Police investigation struck off as false or exaggerated, as compared with 415 cases thus dealt with in the preceding year.

4- Three thousand 4 hundred and seventy eight persons in 1676 cases were brought to trial as compared with 4488 persons in 2238 cases in the previous year.

5- The detailed Returns show that in every class of cases there was a decrease except in cases under Act XIII of 1859 breach of contract, and prosecutions on account of frivolous and vexatious complaints. The increase though slight, in cases of these two classes is much to be regretted.

6- The cases brought to trial resulted in the discharge of

of 674 persons in 280 cases, and in the acquittal of 1190 persons in 500 cases, 1581 persons in 876 cases being convicted. These general results are on the whole not unfavorable. The detailed statement which the Commissioner has given in para 15 of his Report however shows some remarkable variations in the various classes of Courts. There seems to be some mis-apprehension of the manner in which such returns are regarded in an Administration Report.

7- The Deputy Commissr writes "This decrease in the "proportion of convictions is "owing I believe chiefly to the "fact that the lower grades "of the Sub Magistracy know "that the quality of their "work is not now judged by "the large per centage of con-"-victions, which formerly "was the rule and now cases "are decided on their merits"

It is a mistake to suppose that there is any desire to coerce the discretion of Magistrates to show a pre=ponderance of convictions and to create a prejudice un=favorable to the accused under trial. Such returns too cannot be considered except for lengthened periods. But they are very valuable in showing whether persons have been needlessly dragged into Court without care being taken before issue of process to ascertain whether a fair prima facie case has been made out. The law compels the public to attend a Magis=trate's Court when required to do so, but it also expects Magistrates to afford them some degree of protection by the exercise of some care and in=telligence in sifting ex parte statements and not summon=ing them needlessly from their homes and occupations.

Thus, when in a petty case a large number of persons are accused, a Magistrate by a careful preliminary exami=nation of the complainants will be able to ascertain who are the principal persons concerned, and he should ab=stain from issuing processes against those who have been brought on merely to swell the case and make it assume an importance that it does not deserve. The law too (Section 140) Code of Criminal Procedure enables a Magistrate to post=pone issue of process against an accused if there is reason to distrust the truth of a complaint, and there is good reason to suppose that this very salutary provision is much neglected, and that if examination of complainants had been more carefully con=ducted, many cases which resulted in the discharge or

acquitted of the accused would not have proceeded as far as the issue of any process for the attendance of the accused. The Commissioner is requested to communicate these remarks to the Magistrate of the District

8. Summary trials were held in only 10 cases as compared with 22 such trials in 1874. The District Magistrate was the only Officer in the District who could hold such trials.

9. The average duration of trials was 4·55 days, notwithstanding the smaller number of cases under trial

10. Out of a total of 233 persons imprisoned, only 13 had been sentenced to suffer simple imprisonment. This is satisfactory. Only 11 persons were whipped as compared with 29 persons thus punished in the previous

year. This punishment which is always appropriate in the case of Juveniles and often effective in the case of adults should be more frequently resorted to.

11. The fines imposed upon 1329 persons amounted to Rupees 6820-13-", out of which Rupees 5426-12-5 (about 78 per cent) have been realized. Out of the previous years unrealized balance (Rs. 6420-5-2) only the very small sum of Rs. 695-9-" have been collected. The Deputy Commissioner offers no explanation upon this point. Amends to accused persons were awarded to the extent of Rupees 244-8-", and Rupees 164-11-2 were paid to injured parties as compensation under Section 308 of the Criminal Procedure Code.

12. The average duration of trials was 4·55 days against 5·25 in 1874, and there were

only 5 cases pending at the close of the year.

13. The result of appeals heard by the District Magistrate was unfavorable to the Subordinate Magistrates, as their sentences were disturbed in 29 out of the 42 cases appealed.

14. In 15 Cases, appeals were preferred to the Sessions Judge against sentences passed by the District Magistrate. 12 of them were confirmed and 3 re=
=versed.

15- The District Magistrate tried 37 persons in 16 Cases under his enhanced powers under Section 36 of the Criminal Procedure Code. He convicted twenty six persons acquitting or discharging the others. The sentences passed upon 21 persons were sub=
=mitted to the Sessions Judge for confirmation. 18 of these were con=
=firmed and 3 reversed by him

16- In the Sessions held in this District seventeen per=
=sons in 8 Cases were tried. 16 of them were convicted. 8 ob=

# Shimoga District.

Criminal

There were in this District during the year the following Magistrates

1 Magistrate of the District with enhanced powers under Section 36 of the Code of Criminal Procedure.

1 Magistrate of the 1st Class in charge of a Division of the District.

1 Magistrate of the 1st Class.
1 — do — do 2nd do
19 — do — do 3rd do

2. There were 1190 offences concerning 2320 persons reported during the year, as against 1031 offences concerning 2386 in the previous year, so that, while the number of offences has increased, the number of persons concerned in them has diminished to the same extent.

3 From these cases, 139 cases concerning 256 persons were struck off as false or exaggerated. This does not include cases in which the Magistrates refused to issue processes under Section 147 of the Criminal Procedure Code. There were 109 such cases as compared with only 88 in 1874. The total number of cases struck off as false may therefore be considered to have been 248, a large number, to which the remarks made with reference to the Kadur District are quite applicable

4. In 1094 Cases 2163 persons were brought to trial, 265 by the Police and 829 under process issued by the Magistrates. Convictions were obtained in 578 Cases against 1000 persons, that is, against about 46.7 per cent of the number of per-

=sons tried, and in about 53 per cent of the number of cases brought to trial. This low percentage, as compared with results in other Dis=tricts is not satisfactory, as it seems to show that arrests have been made, and pro=cesses have been issued by Magistrates on insufficient grounds and without a careful preliminary exami=nation of the complainant. This is a point the impor=tance of which the Dis=trict Magistrate should al=ways impress on his subor=dinates.

5. It is not necessary to put undue pressure so as to swell the number of convic=tions by the fear of censure if they are proportionately small, but still it cannot well be regarded as a fair test on review of the work of a year, to determine the amount of care and discretion

with which a Magistrate has acted.

6. The percentage of convictions in cases which underwent a Police investigation was 61, and that in cases directly brought before the Magistracy was 51. One hundred and ninety two cases were either withdrawn or dismissed for default of prosecution.

7. Eight cases concerning 53 persons accused remained under trial at the end of the year, one of these cases had been pending for two months and the other for periods under 3 weeks. The average duration of cases disposed of is stated to be 7 days being the same as in 1874. There were considerable variations in the length of trials in the different classes of Courts from 4 days in the Peishkars Courts, to 15 days in those of the Assistant Commissioners.

8. Of 4047 witnesses examined by the Magistrate 3351 were examined and discharged on the first day, 503 on the second, 96 on the third, 40 on the fourth, and 30 on the fifth day. 27 witnesses were detained from 6 to 9 days in the Saugor sub Division Assistant's Court.

9. It is hoped that measures will be taken to ensure the more prompt discharge of witnesses in all the Courts, after the Circular which has been recently issued on the subject

10 In 29 Cases concerning 40 persons, summary trials were held as against only 14 Cases and 33 persons in 1874. The Deputy Commissioner has omitted to state the result of these trials. The larger number of Cases in which simple imprisonment was imposed on conviction is to be regretted as it is a punishment that rarely commends itself

fine or rigorous imprison=
=ment being preferable, the
Deputy Commissioner and Sessions
Judge should pay attention
to this matter in supervi=
=sing the work of their su=
=bordinates

11. Fines to the amount of
Rupees 8368-10-0 were imposed
giving an average of Rupees
10-3-0 per case, against Ru=
=pees 8-10-0 in 1874. Of this
sum Rupees 5854-15-5, be=
=ing about 70 per cent, have
been realized.

12. It is not satisfactory
to find that out of the large
balance (Rupees 6049) of pre=
=vious years, only Rs. 621 (ten
per cent) has been realized.
The Deputy Commissioner has
offered no explanation on this
point

13. Out of Rupees 1186 awarded
as compensation to Complai=
=nants or injured parties, Rs.
902 were recovered, and Rupees
603 paid away, the amount

in deposit is large, and should be reduced or explanation offered. Rupees 192-8-- were awarded to 52 accused persons as amends.

14- The Repayment of Rupees 81 was ordered under Section 31 of the Court Fees Act on conviction of the accused in non cognizable cases.

15- Whipping was not much used as a punishment. There were only 11 persons thus punished as against none in 1874. The Deputy Commissioner showed impress upon his Sub Magistrates that it is preferable that they should send in Juveniles for such punishment than that such persons should be subjected to imprisonment. It would be well too if this punishment was more used by Magistrates who have power to impose it.

16- There were 38 Appeals for trial, 22 by the District Magistrate and 16 by the Saugor Divisional Officer. 35 have

been tried, 21 by the former and 14 by the latter.

17- The result of these Appeals is generally unfavor=able to the Subordinate Magis=trates whose sentences were disturbed in 18 Cases, (51 per cent)

18- The average duration of Appeals is stated to be 10 days in the Divisional Sfott Com=missioner's Court and double that period in the Deptg Commrs Court. The delay in the latter Court appears to have been due to two Cases remanded for further evidence.

19- Six Cases concerning 35 persons were tried by the Deputy Commissioner under Section 36 Code of Criminal Procedure during the year under review., 30 persons be=ing convicted in these cases. The number of sentences which required the confirmation of the Sessions Judge was 25, of which 23 were confirmed and two re=

20- Of 19 cases appealed to the Commissioner, the sentences passed by the Deputy Commissioner and the 1st Assistant Commissioner were confirmed in 9 cases, rejected in 6 cases, modified in one case, and reversed in two cases.

21- In the Sessions held in this District by the Commissioner of Nagar 29 persons were tried in 16 cases. 16 persons in 10 cases were convicted and sentenced. The others were all acquitted.

# Kadur District

Criminal

There were in this District during the year under review 12 Magistrates of the 3rd Class, (Amildars Peishkars and Sheristadars) 2 Magistrates of the 2nd Class (Assistant Commissioners) and the District Magistrate who exercised also enhanced powers under Section 36 of the Code of Criminal Procedure.

2. Six hundred and twenty four offences were reported against 676 of the previous year, being a falling off of 52 cases. The state of the Crime in this District has not materially differed from the previous year. There was an increase in the number of cases of assault. Cases of other Classes exhibit an

an actual variation

3. The number of cases struck off as false or exag=
=gerated was 189 as com=
=pared with 222 in 1874
In addition to these, there were 39 complaints dismissed under section 147 of the Cri=
=minal Procedure Code as false, so that, the total number of false cases was 228 a very large proportion certainly of the reported crime, which calls for the careful attention of the District Magistrate especially as not one prosecution for false complaint was insti=
=tuted. The District Magis=
=trate states in para 4 of his report that he believes that cases reported by the Police in B form charge sheet are returned as false This is very objectionable and the District Magistrate must not permit any true

case is not proceeded with because the Police have not been able to secure sufficient evidence

4.- Of the cases Reported, 304 were offences against the person and 208 against property.

5. In the 624 offences reported, it is stated that 1489 persons were accused or suspected, but in the 632 cases brought to trial, convictions were obtained in 348 cases, that is in about 55 per cent, which is not very unfavorable when it is found that 99 summons cases were withdrawn or dismissed for default the 204 persons concerned in them, (as against only 89 in 1874) being returned as so many acquittals. That more than half the number of cases thus disposed of should have occurred in one Taluk is very remarkable and the District Magistrate's remark that "in absence of complaint

"against any irregularity in
"such dismissals it must be
"inferred that the complainants
"themselves were wilful defaulters",
is not altogether satisfactory
for it was his duty to have
made some enquiry himself
on finding out a very re=
=markable return.

6- In one Amildar's Court
it is found that the percentage
of convictions was so high
as 94 which is almost in=
credible. The District Magis=
=trate should satisfy him=
=self that mere nominal
punishments have not
been passed by this Amildar
to ensure good averages. It
was never intended that
convictions should be obtained
to embellish returns at the
expense of Justice, but to en=
force greater attention in the
preliminary examination of
Complainants, so that processes
should not be issued un=
necessarily and as a matter

of course because complaint has been made.

7. The percentage of convictions in cases which underwent a Police investigation was 62·2, and that in cases brought directly before Magistrates was 70·8 after excluding summons cases withdrawn and dismissed for default.

8. It is very satisfactory to find that only 3 cases concerning 4 persons accused remained under trial at the end of the year, and that none of these cases had been pending for more than 24 days. The average duration of cases is stated to be 4 1/2 days, which if correctly calculated may not be susceptible of improvement, but it is feared that there must be some error in this return as several witnesses were detained for three and more days, while witnesses cited for the defence could

not well be summoned and examined in the short term given as the average duration of cases. In one Court (Lala Ravalli Amildaro) the duration 1¼ days is simply impossible, while in another (Hoppa Amildaro) it is somewhat high (14 days)

9 Of 2343 witnesses examined by the Magistrates, 2018 were examined and discharged on the first day, 242 on the second, 47 on the third, 18 on the fourth day and 18 after the fourth day. The longer detentions were in the Courts of the District Magistrate and the Assistant Commissioner, but it is hoped that measures will be taken to ensure the more prompt discharge of witnesses in all the Courts, for unless more consideration be paid to the convenience of witnesses the unpopularity of the Criminal Courts will increase and

be induced to attend.

10. The remarks made by the Deputy Commissioner on this Return which he apparently attributes in a great measure to his absence from Head Quarters and to there being no Magistrates of the 1st Class, show a mistake on his part for he will find on a reference to Schedule IV of the Code of Criminal Procedure that there are very few offences which a Magistrate of the 2nd Class competent to commit cannot take up, the offences triable only by a Magistrate of the 1st Class having been considerably reduced. Therefore in his absence the Magistrate of the 2nd Class should have dealt with the cases, and if necessary have committed them to the Sessions or referred them to the District Magistrate under Section 261

The number of cases in which summary trials were held is not stated by the Deputy Commissioner

12. There was a considerable increase in the number of cases in which imprisonment of either kind was imposed on conviction, but the increase of simple imprisonment from 13 to 24 is unsatisfactory, as it is a punishment that rarely commends itself. Fine or rigorous imprisonment being preferable. The Deputy Commissioner should pay attention to this matter

13. It is noteworthy that 22 persons were ordered to find security for good behaviour against one in 1874. This fact the Deputy Commissioner attributes to the prevalence of scarcity in his District in the latter part of the year.

14. Fines to the amount

of Rupees 7708 were imposed giving an average of 15-5-" per case against 8-13-" in 1874. The large difference is chiefly due to a case in the Deputy Commissioner's Court in which alone Rupees 2100 were imposed on the accused persons.

15- It is satisfactory to find that Rupees 6,532, or 84·7 per cent were realized, but the realizations (Rupees 108) of the balance of former years is very small. The explanation offered by the Deputy Commissioner however shows that the old balances are generally not re-coverable

16- Out of Rupees 911-8-2 awarded as compensation to complainants or injured parties, Rupees 640-5-8 were recovered and Rupees 381-5-6 paid away. Nearly the whole of the sum Rupees 1752-14-1 which was in deposit on this account at the close of the previous year has been paid to the

parties entitled to receive them.

17. The Repayment of Rupees 4,9= 8-" was ordered under Section 31 of the Court Fees Act on conviction of the accused in noncognizable cases.

18. Whipping was not much used as a punishment because only the District Magistrate and the Assistant Commissioner had power to inflict it, but the Deputy Commissioner should impress upon his subordinate Magistrates that it is preferable that they should send in juveniles for such punishment than that such persons should be subjected to imprisonment

19. In all 32 appeals were heard and disposed of by the District Magistrate and their result was somewhat more favorable than in the previous year to his subordinates, as their sentences were disturbed in 37.5 per cent as against

52·8 per cent in 1874.

20- The average duration of appeals is stated to be 15 days against 11½ days in the preceding year.

21- Forty two persons in 8 cases were tried by the Deputy Commissioner under Section 36 Code of Criminal Procedure during the year under review with the following results.

24 persons in 4 cases were discharged, 5 persons in 1 case acquitted, and 13 persons in 3 cases convicted. The sentences of 9 persons were confirmed by the Sessions Judge and of 4 reversed.

22- In 15 cases appealed to the Commissioner the sentences passed by the Deputy Commissioner were disturbed in 6, and confirmed or rejected in 9 cases.

23 Three Sessions were held in this District on the 9th February, 2nd August

and 13th December 1875. Twenty persons were tried in 10 cases and 16 persons in 9 cases were convicted and sentenced.

# Chitaldroog District.

**Criminal**

There were in this District during the year under review 11 Magistrates of the 3rd Class, (Amildars and Peishkars) 1 Magistrate of the 2nd Class who was also in charge of a Division of a District, and the District Magistrate who exercised also enhanced powers under Section 36 of the Code of Criminal Procedure. Four of the Magistrates of the 3rd Class had powers to commit, but two of them were absent on leave.

2. Eight hundred and seventy one offences were reported against 934 of the previous year, being a falling off of 63 cases, and it is very satisfactory to learn that out of these cases only 133 were struck off as false or exaggerated as against 304

cases of 1874, and more especially as it is stated that this result is due to the "thorough enquiry "instituted before a case "is written off as false Of these 871 cases, 264 were of cognizable and 607 non-cognizable offences, nearly one half (401) being regarding offences against the person, and 330 against property. The falling off already noticed seems to be almost entirely in cases of the last mentioned class.

3. In the 871 offences reported, it is stated that 1690 persons were accused or suspected, but in the 735 cases brought to trial, convictions were obtained in 473 cases, that is in about 70 per cent which is satisfactory and especially when the smaller number of cases struck off is taken

into consideration. The large percentages of convictions among some of the Amildars, i.e of Goodiorga and the Sheristadar of Pavagada, are very remarkable, and it is feared that nominal punish=ments have been given to ensure good averages too much stress being laid on their returns. The Deputy Commissioner when inspecting the Taluk Court should turn his attention to this point, for it was never intended that convictions should be obtained to embellish returns at the expense of justice, but to enforce greater attention in the preliminary exami=nation of complainants, so that processes should not be issued unnecessarily and as a matter of course because complaints have been made. It is however ob=served that there were a large number of acquittals

and Magistrates before the Assistant Commissioner which seems to indicate that the careful examination just mentioned has not been observed, and that people lightly accused have been often unnecessarily dragged from their homes into Court. The percentage of convictions in Cases which underwent a Police investigation seems to be about the same as in cases brought directly before Magistrates which is not favorable to the Police, but as the force has only recently been organized, there will doubtless be much improvement ere long.

4. It is very satisfactory to find that only five cases concerning 18 persons accused remained under trial at the end of the year, and that none of these cases had been pending for more than 18 days. The average

duration of cases is stated to be three days, which, if correctly calculated, is not susceptible of improvement, but it is feared that there must be some error in this return, as several witnesses were detained for three and more days, while witnesses cited for the defence could not well be summoned and examined in the short term given as the average duration of cases. It is therefore requested that this return be tested by a fresh calculation and the result submitted.

5- Of 2729 witnesses examined by the Magistrate, 2197 were examined and discharged on the first day, 448 on the second, 88 on the third, 12 on the fourth, and 4 on the fifth day. The longer detentions were in a Dacoity case before the Deputy Commissioner, but it is hoped that measures

will be taken to ensure the more prompt discharge of witnesses in all the Courts, for unless more consideration be paid to the convenience of witnesses the unpopularity of the Criminal Courts will increase and people will with difficulty be induced to attend.

6. In only 7 cases were summary trials held, the accused being acquitted in three cases.

7. It is to be regretted that there was a considerably larger number of cases in which simple imprisonment was imposed on conviction as it is a punishment that rarely commends itself, fine or rigorous imprisonment being preferable the Deputy Commissioner should pay attention to this matter. That the Jail accommodation prevented any sentences of solitary confinement is also much

to be regretted, and it is hoped that there will soon be means of executing such punishment. The Deputy Commissioner should bear this in mind in any alterations that may be in contemplation to the Jail.

8. Fines to the amount of Rupees 4353=12-6 were imposed, giving an average of 6-..-6 per case against 9-10-7 in 1874. This difference is owing to a few heavy fines passed in 1874. It is satisfactory to find that Rupees 3998-12-8 or 91·8 per cent were realized, but the realizations (Rs. 140-11-6) of the balances of former years is very small. The explanation offered by the Deputy Commiss. however shows that the matter has not escaped his attention, and that further recoveries are at present not to be expected.

9. Out of Rupees 813=8-.. awarded as compensation to complainants or injured par-

pees, Rs. 690-8-" were re-
-covered, and Rupees 463-15-"
paid away. The amount in
deposit is large, and should
be reduced, on the other hand
out of 74 Rupees awarded to
accused persons as amends
Rupees 59 were paid away,
Rupees 5 are held in deposit,
and the orders regarding 10
Rupees were set aside by the
Judicial Commissioner as a
Court of Revision.

10- The repayment of Ru-
-pees 92-8-" was ordered un-
-der Section 31 of the Court
fees Act on conviction of the
accused in non cognizable
cases.

11- Whipping was not
much used as a punish-
-ment, because only the Dis-
-trict Magistrate and the
Assistant Commissioner
have power to inflict it,
but the Deputy Commissioner
should impress upon his
Sub Magistrates that it

is preferable that they should send in juveniles for such punishment than that such persons should be subjected to imprisonment.

12. With reference to the Deputy Commissioner's remarks regarding cases of security for good behaviour, it is suggested that the best opportunity for such enquiries is always to be obtained when he or one of his qualified subordinates is on tour, for in practice it has been found that the villagers will more readily then give information on such points while enquiry made on the spot is more satisfactory.

13. The result of appeals heard by the District Magistrate is generally unfavorable to his subordinates, and more especially to Mr. Krishnaya the Assis-tant Commissioner.

14. The average duration of appeals is stated to be 15-

days, and only two appeals both recently filed were pending at the close of the year.

15. Sixteen cases were tried by the Deputy Commissioner under Section 36 Code of Criminal Procedure during the year under review with the following results - convictions of 24 persons in 11 cases, acquittals of 2 persons in 1 case, and the discharge of 16 persons in 4 cases, of the 11 cases in which 24 accused persons were convicted, in 4 cases the sentences passed upon 10 persons were submitted to the Sessions Judge for confirmation, and with one exception they were all confirmed, sentences of 8 years imprisonment and fine passed on five persons have not been submitted for confirmation.

16. In 3 cases appealed to the Commissioner the

sentences passed by the Deputy Commissioner were all reversed.

17- Three Sessions were held in the District by the Commissioner of Nagar, on the 12th March, 7th June and 22nd November.

18- Eighteen persons were tried in 4 cases, 11 persons in three cases were convicted and sentenced, the others were all acquitted.

Signed / H. T. Prinsep
Offg Jud. Commissioner

"Copy"

J. Gordon
Judicial Commissioner

J.R

3885 - 9th March 1877.
Chapter 10 c.

Section Just
File No. 3 - 1875
Serial No. 3

1877 No. 475

From The Commissioner Mund. Division
To The Jud. Commissioner
Dated 1st Mysore
Despatched March
Received 9th
Enclosures No. 16

General No. 486 } 1877
No.

Submitted Report on the Civil, Criminal and Jail Administration of the Mundgod Division for 1876.

Nil

MYSORE COMMISSION.

# Nundydroog Division

# Report of the Judicial Administration for 1876.

## I. Civil.

**Jurisdiction of Courts.**

The Civil Courts as regards jurisdiction have remained unaltered.

**General Observation.**

The leading feature of the Returns of 1876 is that the suits instituted have fallen off, both in number and in average value.

**Suits filed.**

In 1876, 7280 suits were filed as against 7778 in 1875, showing a decrease of 498.

**Establishment.**

The several Officers of different grades &c.

ercising Civil Jurisdiction disposed of the suits during the year under report in the proportions noted below—

| | | | For 1875 | For 1876 |
|---|---|---|---|---|
| Munsiffs | Bangalore | Small Causes | 647 | 1421 |
| | | Original Suits | 1937 | 1148 |
| | Kolar | Small Causes | 1455 | 1664 |
| | | Original Suits | 1342 | 850 |
| | Tumkur | Small Causes | 313 | 329 |
| | | Original Suits | 1087 | 1172 |
| Jud. Assistants. | Bangalore | Small Causes | 99 | 84 |
| | | Original Suits | 131 | 115 |
| | Kolar | Small Causes | 293 | 148 |
| | | Original Suits | 70 | 44 |
| | Tumkur | Small Causes | 202 | 162 |
| | | Original Suits | 74 | 57 |
| Dy. Commissioner | Bangalore | | 10 | 5 |
| | Kolar | | 1 | |
| | Tumkur | | | |
| Commissioner | | | 3 | 4 |
| | | Total | 7664 | 7203 |

Contested Suits.

The number of Contested suits was greater by 45 Cases in 1876 which

those uncontested were 507 less, showing that notwithstanding the diminution in the number of suits for disposal, the work of the Court was not in reality thereby diminished, as one contested suit will sometimes occupy a Court many days in succession.

Uncontested Suits

The uncontested suits comprised:—

94 — Plaints rejected or returned.
735 — Dismissed for default.
107 — Withdrawn
78 — Compromised
1075 — Decreed on Confession
1993 — —do— Ex parte
523 — Dismissed —do—

and the proportion of decisions in favor of Plaintiff and Defendants in contested suits was 2112 and 485 respectively.

These figures speak well for the genuineness of the claims filed by Plaintiffs.

Under the head "Duration of Suits," the figures support the opinion expressed with regard to Contested suits, as 39 days was the average duration of Contested suits, and 28 days of those otherwise disposed of.

Duration of Suits

706 Suits were pending at the end of 1876 in all the Courts of the Division, more than half of which were filed during the last 2 months of the year, and only one seventh had been more than 4 months on the file.

Pending

The figures are J

Observations [illegible]

MYSORE COMMISSION.

Consider very satisfactory as they show that the Courts have used due diligence in disposing of the Cases. Notwithstanding that technical points in the present procedure are frequently taken advantage of, to impede the progress of suits.

**Oldest Case pending**

The dates of the oldest cases pending are here given

| | Courts | Dates |
|---|---|---|
| Munsiffs | Bangalore | 20th March 1876 |
| | Kolar | 9th June " |
| | Tumkur | 3rd March " |
| Ind. Assistants | Bangalore | 27th " " |
| | Kolar | 8th August " |
| | Tumkur | 11th October " |
| Commissioner | | 27th November 1873 |

**Suit pending since 1873**

The suit pending since 1873 in the Commissioner's Court is a dispute regarding

family property between relatives, which has at last been brought to a close so far as the Evidence is concerned, notwithstanding that every possible obstruction has been thrown in the way of its disposal, first by one party and then by the other. One Ex-hibit remains to be produced from one of the District Judges' Courts of Her Majesty's Territories, and the Case stands fixed for the production of this Exhibit, and for final argument to the 2d March 1877.

In the following table the Classes of the different suits instituted during 1875 and 1876 are shown concisely.

Classes of Suits

| Nature of Suits | Number for 1875 | 1876 | Increase | Decrease |
|---|---|---|---|---|
| On written Objection | 5310 | 4691 | " | 619 |
| On unwritten | 343 | 257 | " | 89 |
| On account stated | 411 | 327 | " | 84 |
| Money had and received | 136 | 166 | 30 | " |
| Goods sold | 168 | 251 | 83 | " |
| Breach of Contract not mentioned above | 146 | 165 | 19 | " |
| Rent not falling under the Rent Law | 49 | 41 | " | 8 |
| Moveable property or value thereof | 396 | 340 | " | 56 |
| Damages | 175 | 103 | " | 72 |
| Arrears of Rent with or without Ejectment or Cancelment of lease | 1 | 3 | 2 | " |
| Enhancement or abatement of Rent | 3 | " | " | 3 |
| Relating to distraint | 1 | 1 | " | " |
| For Ejectment or recovery of possession | " | 1 | 1 | " |
| All other suits under the Rent Law not included above | " | 21 | 21 | " |
| Suits for immovable property | 431 | 649 | 218 | " |
| do for specific performance of Contract | 7 | 4 | " | 3 |
| do to declare and establish rights to real property including pre-emption, foreclosure &c | 82 | 91 | 9 | " |
| do to declare and establish personal rights | 51 | 69 | 18 | " |
| do for an account | 7 | 13 | 6 | " |
| do relating to religious Endowments | 1 | 1 | " | " |
| do to set aside Judgments, Contracts, or obligations on the ground of fraud | 5 | 6 | 1 | " |
| do for dissolution of Marriage | 8 | 28 | 20 | " |
| do for enforcement of matrimonial rights | 21 | 22 | 1 | " |
| do for Partition | 25 | 32 | 7 | " |
| do relating to religion and Caste | 1 | 1 | " | " |
| Total | 7778 | 7280 | | 498 |

Value of suits

The aggregate value of suits instituted in 1876 was 7,90,482-4-6 and the sum involved in suits which were actually disposed of amounted to Rs 6,46,634-11-1-

Distribution of value

The latter amount comprised suits of the following values.

| Value of suits | Suits disposed of in 1876 | Suits disposed of in 1875 |
|---|---|---|
| Not exceeding Rs 5 in value | 231 | 184 |
| do 20 do | 1691 | 1730 |
| do 100 do | 3847 | 4069 |
| do 500 do | 1311 | 468 |
| do 1,000 do | 85 | 102 |
| do 5000 do | 69 | 98 |
| do 10,000 do | 5 | 11 |
| do 100,000 do | 2 | 2 |

Bulk of litigation

As usual, suits of small value formed the bulk of the litigation.

Appeals

The number of appeals for disposal in

MYSORE COMMISSION

1876 was 537 against 492 of the previous year and they were disposed of

Disposal of Appeals

By the Commissioner — 57
— do. Dy. — do — 53
— do. Jud. Assistant — 351
Total 461

leaving 76 pending at the close of the year.

Result

These cases stand ranged as follows as regards results.

| | | |
|---|---|---|
| Contested | Confirmed | 246 |
| | Modified | 68 |
| | Reversed | 85 |
| | Remanded | 23 |
| Uncontested | Confirmed | 24 |
| | Modified | 1 |
| | Reversed | 3 |

Besides these, 11 appeals were dismissed for default of prosecution.

Pending

Of the 76 appeals which were pending at the close of the year 8 were in the Commissioner's

Court, and 58 in the Judicial Assistants' Courts. There pending in the Commissioner's Court were all of recent date - and the dates of the oldest appeals pending in the Commissioner's Court and in the Courts of the Judicial Assistant Commissioners respectively were 11th September and 10th August 1876.

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Duration of Appeals

The time occupied in the disposal of appeals was slightly greater in 1876 than in 1875, but moderate fluctuations in this respect must be expected.

Objections under Sec. 348

The number of objections filed under Section 348 amounted only to 3 in the Kolar

Judicial Assistant Commissioner's Court, and 5 in that of the Commissioner of the Division - In only 3 Cases were they allowed.

Execution of decrees.

21. The work in the Execution Department was heavier in the Courts of the Munsiffs and Judicial Assistant Commissioners of Bangalore and Kolar - The number of Execution Cases standing for disposal during the year being as follows.

| | | |
|---|---|---|
| Munsiffs | Bangalore | 2307. |
| | Kolar | 2599. |
| Jud. Asstts. | Bangalore | 438. |
| | Kolar | 489. |

The numbers which came before the other Courts were comparatively small, and the aggregate number for the Division

was 7044 applications involving Rs 1,195,646-2-11

Out of the above noted Cases 449 applications involving Rupees 75,442-12-8 were transferred to other Courts, and 3,305 applications involving Rs 504,528-14-5 were withdrawn, Rs 161,432-9-" were recovered under 1482 applications, made and partial execution was carried out in respect of 1225 applications affecting Rs 267,250-1-8, leaving at the end of 1876, 583 applications involving Rs 186,991-13-2 pending.

Rs. Cases Applications

The different methods by which some of the decrees were executed are shown below-

Mode of Execution

In 135 Cases possession was given of property

MYSORE COMMISSION.

worth Rs 20,810-15-4.

-"- 742 -"- debtors were imprisoned in respect of Rs 78,861-7-2-

-"- 1639 -"- Rs 206,590-9-4 were paid after attachment of property

-"- 1031 -"- Rs 169,782-10-5 were realized by sale and in two Cases the Judicial Assistant Commissioner of Bangalore appointed Managers

Long Standing Cases

With the exception of one Case under date 12th October 1875 in the Court of the Dy. Commissioner of the Bangalore District, no Case of longer standing than the 4th of April 1876 was pending in any of the Courts-

Miscellaneous Suits.

Suits and Petitions under this heading have increased in 1876 being 1046 suits and 2707 Petitions

against 841 and 2310 respectively in 1875 - Of these 995 Suits and 2668 Petitions were finally disposed of, 20 petitions were transferred, and only 57 Suits and 19 Petitions remained at the close of 1876.

Pendency.

The Suits and Petitions pending for more than 6 weeks were 10 and 4 respectively.

Self Supporting Courts

The Courts of the Munsiffs and those of the Judicial Assistants of Bangalore and Kolar not only earned sufficient to be self supporting, but show a balance in favor of Government. The Kolar Judicial Assistants' Court shows a

balance consequent on the same judge having been in charge of both Courts for a time. The other Civil Courts were not quite self supporting and Criminal Courts realized very little under the head of Stamps, in fact any comparison between receipts and disbursements in the case of any excepting purely Civil Courts would be scarcely suitable.

Stamp Revenue

The Revenue derived from Stamps in all the Courts of this Division was Rs 83,180-2-6 while the cost of the several Tribunals was Rs 2,13,231-11-6 thereby an excess of Rs 1,30,051-9-6 over receipts.

Courts of Revenue

The receipts were under the following headings:-

Diff. Suits { For Plffs: 69456-11-
" Defdts 2477-5-

Penalty recovered on unstamped or insufficiently stamped documents } 3222-11-6.

Criminal Stamps 3060-7-
Appeal Stamps 4963-11-

Execution of Processes

Processes have been executed with greater promptitude in 1876 than in the year preceding.

Number

The total number of Processes for the year was 55,456 against 55,095 in 1875.

Fees.

The fees collected on the above processes amounted to Rs 30476-13- and though this sum falls short of the collections in 1875 by Rs 527-13-11 yet

Rs 13748-12-9 after paying all the Expenses of the Department.

The Division Office Law Library has been inspected and is in good order.

The attention of the Dy. Commissioners will be called to their failure to report on this point.

The Circuit arrangements with regard to Munsiffs appear to require some modification, but in the present state of the Country, I feel reluctant to put forward suggestions on such points, as the continuance of Circuits, or the necessary modifications in this respect

when the present
unparalleled Season
has passed away, and
there is more time
available for the con-
sideration of Adminis
trative Changes &c

MYSORE GOVERNMENT

# II - Criminal -

## General Observation.

The year 1876 was a remarkable one, so far as crime was concerned; the scarcity which has now culminated in famine, and which prevailed to some extent almost from the commencement of the year, apparently gave an unusual stimulus to crime, and as the year advanced, daring robberies for the purpose of plundering grain, and which resulted occasionally in loss of life, became numerous, and our jails had

Consequently become full to overflowing-

Expenditure with Principal Powers.

To afford Relief to the Taluk Amildars whose Services were needed for superintending Relief works, and Revenue arrangements; Amildars were in several places, during the latter part of the year, vested with

from 1875 the remainder are shown as noted below -

| | 1875 | | 1876 | |
|---|---|---|---|---|
| | Cases | Persons | Cases | Persons |
| Arrested by Police | 1717 | 3268 | 2589 | 6410 |
| On processes issued by Magistrate | 4770 | 10585 | 5435 | 12496 |
| Voluntarily | 65 | 85 | 125 | 189 |
| By transfer | 82 | 176 | 87 | 239 |
| Total | 6634 | 14114 | 8236 | 19334 |

Result of Trial.

The following percentages of persons brought to trial will show the result of the Magisterial and Police work in 1875 and 1876 -

| | Discharged | | Acquitted | | Convicted | |
|---|---|---|---|---|---|---|
| | 1875 | 1876 | 1875 | 1876 | 1875 | 1876 |
| In Magisterial Cases | 6.4 | 6.6 | 7.9 | 10.2 | 44.2 | 35.6 |
| In Police Cases | 6.1 | 9.8 | 6.7 | 7.7 | 83.1 | 78.3 |

This statement is not favorable as compared with the results obtained during the

preceding year, and it shows that neither have the Police been careful in the matter of arrests, nor the Magistrates judicious in selecting cases for the issue of processes.

Summons Cases

As regards summons cases, 659 cases involving 1520 persons were dismissed for default. 758 cases involving 1903 persons were withdrawn, and 951 cases involving 2849 persons were acquitted. Many such cases are evidently struck off consequent upon a private adjustment of the dispute.

During the year under report 188 persons

were committed for trial to the Higher Courts against 131 in 1875, and 67 against 65 were referred to other Courts in the Division, 9 persons against 1 in the previous year were moreover transferred to Courts beyond the Division.

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Balance at the end of 1876.

Notwithstanding the heavy influx of Cases this year, it is satisfactory to be able to state that there were only 43 Cases and 179 persons awaiting trial at its close before all the Courts of the Division, and 141 of these were in Custody, 11 were out on bail, and 27 on personal Recognizance.

Speedy Disposal.

In the Courts of

the Sur Ameen, Cantonment Magistrate and Dy: Commissioner of Kolar, the time occupied in the disposal of each case was only 1 or 2 days - and this has materially helped to keep down the general average, which might otherwise under the unfavorable circumstances of the year have been high, as it is however, the average duration of cases was only 10 days against 3 in 1875.

Description of Offences

Offences reported during the year under report were of the following description as compared with those of 1875 /

| | Number reported in 1875 | | 1876 | | Increase | | Decrease | |
|---|---|---|---|---|---|---|---|---|
| | Cases | Persons | Cases | Persons | Cases | Persons | Cases | Persons |
| Offences relating to Coin &c | 16 | 18 | 24 | 24 | 8 | 6 | " | " |
| Against Public Justice | 69 | 131 | 60 | 111 | " | " | 9 | 10 |
| by — " — Servants | 13 | 19 | 11 | 15 | " | " | 2 | 4 |
| False Evidence, false complaints &c | 588 | 1497 | 571 | 1235 | " | " | 17 | 262 |
| Public Nuisances | 525 | 1123 | 76 | 554 | " | " | 449 | 569 |
| Relating to the Public Peace | 50 | 368 | 70 | 499 | 20 | 131 | " | " |
| Offences against the persons | 3100 | 6202 | 3666 | 8092 | 566 | 1890 | " | " |
| " against property — with violence | 147 | 296 | 389 | 1303 | 242 | 1007 | " | " |
| " against property — without do | 875 | 1389 | 1753 | 3712 | 878 | 2323 | " | " |
| " against property — Malicious Offences | 389 | 903 | 473 | 1134 | 84 | 231 | " | " |
| " Not included in the above classes | 9 | 63 | 19 | 24 | 10 | " | " | 39 |
| Breaches of Special Laws &c | 984 | 2157 | 1481 | 3122 | 497 | 965 | " | " |

Increase in Offences against property.

The increase under the head "Offences against property" is serious, and can only be accounted for by the severe scarcity which prevailed during the latter portion of the year under report.

Punishment.

Prisoners to the number of 9477 were convicted during the year and they were punished as detailed below.

5 persons were sentenced to death
7 do do transportation for life
4 do do do terms.
350 do do simple imprisonment
1379 do do rigorous do
32 do do do do with solitary confinement
907 do do imprisonment and fine
5994 do do fine only
32 do do whipping in addition to other punishment
735 do do do in lieu of do
24 do were ordered to find security for good behaviour
6 do do do to keep the peace
2 do do do to enter into recognizance

Fines

Small fines as usual form the largest proportion of the punishments awarded.

6573 persons were fined in sums of Rs 10 and under
366 do do do " 50 do
12 do do do " 100 do
10 do do do " 500 do

Imprisonments

The periods of imprisonment awarded during 1876 were in the

following proportion-

MYSORE COMMISSION.

960 persons were sentenced to imprisonment not exceeding 15 days
1103 — do — do — do — 6 months
404 — do — do — do — 2 years
216 — do — do — do — 7 years

Whipping

The punishment of whipping was awarded during 1876 in far greater proportion than in 1875, as 765 persons were thus punished against 138 in the previous year, and more than half of them received upwards of 10 stripes.

Witnesses

In the cases tried in 1876 24419 witnesses were examined and they were discharged-

22550 persons the same day on which they attended
1478 — do — on the 2d day
229 — do — on the 3d day
88 — do — on the 4th day
35 — do — on the 5th day
39 — do — on the 6th day

More than 100 witnesses were detained in the Sessions Court in excess of 2 days, this was owing to the Sessions being periodical, when several Cases being posted for the same date, witnesses are obliged to continue in attendance awaiting the trial of Cases in their Order -

Appeals

4036 Cases were appealable involving 8070 persons, but appeals in 161 Cases affecting 332 persons only were received. These with the balance at the close of 1875 aggregated 167 Cases, and 340 persons standing for disposal in appeal during the year under

Review

The appeals of 20 persons were rejected and the sentences of 139 persons were confirmed, 61 persons had their sentences modified, and the sentences passed on 114 persons were reversed, 1 case was quashed, and another returned for further enquiry

Appeals pending.

At the end of 1876, 4 appeals of recent date involving 4 persons were pending in the Court of the Cantonment Magistrate.

Duration of Appeals.

The average duration of criminal appeals in 1876 exceeds that of 1875 by one day, this average would have been less had it not been that the average duration of appeals

was 17 days in the Court of the Dy. Commissioner of Tinnevelly.

Sessions trials

Out of 38 Cases tried in 1876 in the Sessions Court, 35 were tried with the aid of Assessors, one was committed to the High Court at Madras, and two were disposed of on confession.

Assessors' verdicts

Out of the 35 Cases the prisoners in 20 Cases were convicted in conformity with the opinion of the Assessors, and in 5 in opposition to it. In 10 Cases they gave verdicts acquitting the prisoners, and the Court concurred with them in opinion.

Revision of Collector's Decisions

The instructions laid

MYSORE COMMISSION

down by the Judicial Commissioner for the preparation of the periodical lists of Assessors were duly observed.

European British Subjects.

Three Officers, viz, Major Lindsay, Captain Mackenzie, and Lieutenant Colonel Benson exercised powers in respect of European British Subjects in 1876 while acting as Town and Cantonment Magistrate, and they severally had before them, the first 13 Cases and 18 persons the second 7 Cases and 7 persons, and the third 37 Cases and 38 persons for disposal.

Pending.

All these cases were disposed of, and there was neither a case nor a person pending at

the close of the year.

Disposal.

With the exception of 10 persons involved in cases withdrawn, dismissed for default, and committed to the High Court, the remaining cases in which European British subjects were involved were disposed of as follows:-

29 persons were fined
5 do imprisoned
11 do acquitted
8 do were ordered to be registered as prostitutes

The total of such cases for disposal in 1876 exceeded that of 1875 by 12 cases and 8 persons.

Cases of Kidnapping.

No cases of kidnapping children for immoral purposes came

the year under report.

Inclusive of the balance of 1875 there were 686 Miscellaneous Cases and 3,173 petitions for disposal in 1876, and up to the end of the year all were disposed of except 6 Cases, and 29 petitions. Out of those remaining undisposed of only 4 petitions had been on the file more than 6 weeks.

Fines.

The subjoined detailed statement will give a definite idea of the work done by the Several Courts with reference to the imposition, collection &c. of fines in 1876.

| | Courts | Amount to be recovered | | Amount of Remittances | | Amount on Appeal | | Realized for 1876 | | Balance of former years | | Balance of former years | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Rs | A P | Rs | A P | Rs | A P | Rs | A P | Rs | A P | Rs | A P |
| Bangalore | Taluks | 11127 | 13 8 | 11071 | 16 | 50 | " " | 7032 | " 9 | 151 | " " | 13221 | 23 16 5 2 |
| | Munsiffs | " | " " | " | " " | " | " " | " | " " | " | " " | " | " " |
| | Asst. Commr. | 9106 | 8 1 | 17881 | 31 | 145 | " " | 10775 | 11 133 | 14 | 6 2409 | " | 7 3886 4 6 |
| | Sur Queen | 9701 | 6 11 | 6 | 10 | " | " " | 634 | " " | " | " " | 3 | 15 " 2158 6 |
| | Cantt. Magistrate | 9022 | 15 2 | 2554 | 4 | " | " " | 1960 | 1 9 | 15 | 1 10 | 12113 | " 5596 1 |
| | Dy. Commrs. | 2315 | 2 5 | 4002 | 10 | " | " " | 667 | 14 " | 11 | 14 " | 197 | " " 1050 1 7 |
| Kolar | Taluks | 45261 | 3 " | 110 | 11 10 | " | " " | 3399 | 1 7 | 106 | 8 3 | 19838 | 8 18 11 1 |
| | Munsiffs | 511 | 4 " | " | " " | " | " " | 80 | " " | " | " " | 431 | 4 " " " |
| | Asst. Commr. | 4528 | 1 3 | 3795 | 2 | " | " " | 1805 | 5 1 | 298 | 7 " | 911 | 12 9 1431 10 3 |
| | Dy. Commrs. | 2329 | 11 " | 178 | 10 " | " | " " | 263 | 14 " | " | " " | 427 | 2 " 1460 1 " |
| Tumkur | Taluks | 4276 | 3 7 | 2047 | 6 | " | " " | 3580 | 8 11 | 62 | 15 " | 1991 | 4 1 2915 1 |
| | Munsiffs | " | " " | " | " " | " | " " | " | " " | " | " " | " | " " |
| | Asst. Commr. | 1931 | 4 7 | 2519 | 1 | " | " " | 420 | " " | " | " " | 70 | " " 1891 1 6 |
| | Dy. Commrs. | 1816 | 4 2 | 52 | " " | " | " " | 581 | 13 9 | 8 | 14 | 4836 | " 7 3465 1 0 |
| | Sessions Court | 14178 | 15 5 | 3934 | 3 | | | 22335 | 9 1000 | " | " | 2081 | 12 " 9470 9 8 |

It will be noticed from the above figures that the Courts in the Bangalore District

Large arrears outstanding

MYSORE COMMISSION.

including those of the Sur Amen and Cantonment Magistrate, had large outstandings, whereas in other Courts the balance was comparatively small.

Fine Recovery.

More than one half of the amount were fines imposed in previous years, out of which only 5.2 per cent were recovered whilst the percentage on the amount imposed in 1876 was as high as 67.4.

Amount credited to Government.

It is possible that Magistrates do not exercise discretion in imposing fines, but the question is one of much difficulty, and the amount outstanding increases each year. Arrear

MYSORE COMMISSION

might be struck off after a certain lapse of time, but there would be difficulty in fixing the period at less than six years. Out of the sums recovered during the year under report Rs 24028-2-6 were credited to Government and Rs 864-11-5 to Municipal and other funds.

Compensations

The following figures show all transactions during 1876 with regards Compensation Amends, and fees under the Court fees Act.

| | Compensation Rs. As. P. | Amends Rs. As. P. | Court fees Rs. |
|---|---|---|---|
| Amount remained in the Treasury at the end of 1875 | 1483 10 " | 823 11 9 | 762 10 |
| Recovered in 1876 | 2511 10 7 | 1215 " 3 | 701 9 |
| Paid to parties | 3165 12 9 | 1027 6 " | 487 6 |
| Balance in the Treasury at the close of 1876 | 829 7 10 | 1011 6 " | 976 12 |

Under the last two heads the balance is somewhat large, but the District Officers report that they have issued instructions directing these balances to be cleared off speedily.

Securities Forfeited

Securities forfeited to Government this year in all the Courts of this Division amounted only to Rs 296-10-8.

General Remarks

My Public Prosecutor Mr. Nepean Smith and my Sheristadar Mr. Chelvingar have continued to work to my entire satisfaction.

I have previously brought this latter Officer's good qualities to notice on several occasions.

The other members of my Judicial Establishment have also given me every satisfaction

Nandedroog Dn
Criminal Report
for 1876.

Number 1

Total Revenue derived from duties upon consumption of spirit fermented Liquors and drugs.

| District | Taluk | Population: Mahomedans. | Population: Hindus and others | Population: Total | Population: Number of persons to the square mile | Revenue from duty on: Spirit fermented only | Revenue from duty on: Wine beer and other fermented liquors (Beer and Toddy) | Revenue from duty on: Drugs (Ganja Spirits) | Revenue from duty on: Total excise Revenue | Incidence per head of population | | | No. of licenses for retail sale of the foregoing articles only | Population for licence | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chitaldroog | Chitaldroog | 3571 | 77,206 | 80777 | 121 | 5681 | 15,711 | 19 | 21,411 | " | 4 | 3 | 6 | 13,463 | |
| | Davengere | 6129 | 99,858 | 105,987 | 297 | " | 15,490 | 45 | 15,535 | " | 2 | 4 | 11 | 9,635 | |
| | Hankuppa | 1139 | 39,172 | 40,311 | 110 | " | 9,333 | 4 | 9,337 | " | 3 | 6 | 1 | 40,311 | |
| | Dodderi | 2692 | 74,539 | 77,231 | 91 | " | 23,987 | " | 23,987 | " | 5 | " | 7 | 11,033 | |
| | Honnywu | 1362 | 61,245 | 62,607 | 82 | " | 19,700 | " | 19,700 | " | 5 | " | 4 | 15,647 | |
| | Boodihaul | 658 | 36,719 | 37,377 | 107 | " | 5,447 | 2 | 5,449 | " | 2 | 4 | 0 | " | |
| | Hosdroog | 1194 | 59,626 | 60,820 | 93 | " | 9,092 | " | 9,092 | " | 2 | 5 | 2 | 30,410 | |
| | Sowagadu | 1323 | 64,927 | 66,250 | 145 | " | 6,517 | " | 6,517 | " | 1 | 7 | " | " | |
| | Total | 18068 | 513,292 | 531,360 | - | 5681 | 105,277 | 70 | 111,028 | " | " | " | 31 | " | |
| | Imported duty | " | " | " | " | " | " | " | " | " | " | " | " | " | |
| | Grand Total | 18068 | 513292 | 531360 | - | 5681 | 105,277 | 70 | 111,028 | " | " | " | 31 | " | |

By Commissioner's Office
Mysore District

Number 2

# Revenue derived from duty on the consumption of spirit

| District | Taluk | Population: Mahomedans | Population: Hindoos and others | Population: Total | Population: Number of persons to the square mile | Number of retail sale licenses | Revenue from: Spirit distilled in India or the European Bretton or imported from abroad | Revenue from: Country spirit (Arrack) | Revenue from: Total | Incidence per head | | | Number of licenses for retail | Population per license | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chitaldroog | Chitaldroog | 3571 | 77206 | 80777 | 121 | " | " | 5681 | 5681 | " | 1 | 2 | 6 | 13463 | |
| | Davengere | 6129 | 99858 | 105987 | 297 | 3 | " | " | " | " | " | " | 11 | 9635 | |
| | Harihuppa | 1139 | 39172 | 40311 | 110 | " | " | " | " | " | " | " | 1 | 40311 | |
| | Dodderi | 2692 | 74539 | 77231 | 91 | 1 | " | " | " | " | " | " | 7 | 11033 | |
| | Hiriyur | 1362 | 61245 | 62607 | 82 | " | " | " | " | " | " | " | 4 | 15647 | |
| | Boodihaul | 658 | 36719 | 37377 | 107 | " | " | " | " | " | " | " | " | " | |
| | Hoodooga | 1194 | 59626 | 60820 | 93 | " | " | " | " | " | " | " | 2 | 30410 | |
| | Pavagada | 1323 | 64927 | 66250 | 145 | " | " | " | " | " | " | " | " | " | |
| | Total | 18068 | 513292 | 531360 | " | 4 | " | 5681 | 5681 | " | 1 | 2 | 31 | " | |
| | Imptd duty | " | " | " | " | " | " | " | " | " | " | " | " | " | |
| | Grand Total | 18068 | 513292 | 531360 | " | 4 | " | 5681 | 5681 | " | 1 | 2 | 31 | " | |

Dy Commrs Office
Chitaldroog
D/ 21st May 1879

Deputy Commissioner
Chitaldroog Dt

Number 4

# Revenue derived from duty on Consumption of Country Spirit.

| District. | Schools. | Population. Malwa Sikhs | Non Sikhs | Total. | Number of Square Miles. | Number of Government Central Distilleries. | Number of Licenses. Wholesale Shops. | Retail Shops. | Wholesale Shops. | Rate of Licence duty. Retail Shops. | | Amount of revenue including licence duty. Ordinary duty. | Fancy or not strictly out of the ordinary. | Contract or not with a fixed Capacity. | Total. | Consumption in Imperial Gallons. | Average strength. | Consumption in Imperial gallons proof. | Rate of duty per Imperial gallons proof. | Total Revenue. | Revenue per head. | Population per retail Licence. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | From. | To. | | | | | | | | | | | | |
| | Chutaldroog | 3571. | 77206. | 80.777. | 121. | 1. | - | 6. | - | per annum 24. | 120. | 6274 | - | - | 6274. | 3025. | 19. | 3025. | 2-0. | 6274 | -1.3. | 13463 | |
| | | | | | | | | | | | | 500 | | | 500. | - | - | - | | 500 | - | 9635 | |

# Materials from which Country Spirit is distilled.

| District | Talooks | Population: Mahomedans | Population: Hindoos and others | Population: Total | Number of persons to the square mile | From grain and Molasses: Number of licenses | From grain and Molasses: Revenue from licenses | From grain and Molasses: Revenue from fixed duty | From grain and Molasses: Total | From grain and Molasses: Population to a distillery | From Madua (Bassia Latifolia): Number of licenses | From Madua (Bassia Latifolia): Revenue from licenses | From Madua (Bassia Latifolia): Revenue from fixed duty | From Madua (Bassia Latifolia): Total | From Madua (Bassia Latifolia): Population to a distillery | Toddy: Number of licenses | Toddy: Revenue from licenses | Toddy: Revenue from fixed duty | Toddy: Total | Toddy: Population to a distillery | Other Materials (Arrack): Number of licenses | Other Materials (Arrack): Revenue from licenses | Other Materials (Arrack): Revenue from fixed duty | Other Materials (Arrack): Total | Other Materials (Arrack): Population to a distillery | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chitaldroog | Chitaldroog | 3571. | 77.206. | 80.777. | 121. | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 6. | 438. | 5681. | 6119. | | |
| | Davangere | 6129. | 99.858. | 105.987. | 297. | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 14. | 438. | - | 438. | | |
| | Kanakuppa | 1139. | 39.172. | 40.311. | 110. | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 1. | 55. | - | 55. | | |
| | Dodderi | 2692. | 74.539. | 77.231. | 91 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 8. | 192. | - | 192. | | |
| | Hiriyuru | 1362. | 61.245. | 62.607. | 82. | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 4. | 65 | - | 65. | | |
| | Rudrihaul | 658. | 36.719. | 37.377. | 107. | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| | Hosdurga | 1194. | 59.626. | 60.820. | 93. | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 2. | 48. | - | 48. | | |
| | Pavagada | 1323. | 64.927. | 66.250. | 145. | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | | |
| | — Total — | 18.068. | 573.292. | 591.360 | | | | | | | | | | | | | | | | | 35. | 1236. | 5681. | 6917. | | |

Chitaldroog Detrict
Deputy Commrs: Office
Dated 21st May 1877

Deputy Commissio

No 6.

# Revenue from Wine and Beer, and fermented Liquors.

| District | Taluk | Population: Inhabitants | Population: Hindoos and others | Population: Total | Population: No of persons to the square mile | No of wholesale licenses | No of licenses for retail of: Wine | Beer | Toddy (fermented) | Pachouri (Rice Beer) | Other kind of fermented liquors to be specified in the notes | Revenue derived from: Wine | Beer | Toddy (fermented) | Pachouri (Rice Beer) | Other kind of fermented liquors to be specified in the notes | Total Revenue | Incidental per head | | | Population per retail license |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chitaldroog | Chitaldroog | 3571 | 77206 | 80777 | 121 | - | - | - | - | - | 61 | - | - | - | - | 15711 | 15711 | - | 3 | 1 | 1324 |
| | Davangere | 6129 | 99858 | 105987 | 297 | - | - | - | - | - | 39 | - | - | - | - | 15490 | 15490 | - | 2 | 4 | 2717 |
| | Hankuppa | 1139 | 39172 | 40311 | 110 | - | - | - | - | - | 45 | - | - | - | - | 9333 | 9333 | - | 3 | 8 | 896 |
| | Dodderi | 2692 | 74539 | 77231 | 91 | - | - | - | - | - | 106 | - | - | - | - | 23987 | 23987 | - | 5 | " | 728 |
| | Heriyur | 1362 | 61245 | 62607 | 82 | - | - | - | - | - | 63 | - | - | - | - | 19700 | 19700 | - | 4 | 10 | 994 |
| | Budihaul | 658 | 36719 | 37377 | 107 | - | - | - | - | - | 32 | - | - | - | - | 5447 | 5447 | - | 2 | 1 | 1168 |
| | Hosdroog | 1194 | 59626 | 60820 | 93 | - | - | - | - | - | 27 | - | - | - | - | 9092 | 9092 | - | 2 | 5 | 2253 |
| | Pavagada | 1323 | 64927 | 66250 | 145 | - | - | - | - | - | 82 | - | - | - | - | 6517 | 6517 | - | 1 | 7 | 808 |
| | | 18068 | 513292 | 531360 | - | - | - | - | - | - | 456 | - | - | - | - | 105,277 | 105,277 | - | 3 | 2 | - |

Chitaldroog District
Dy Commrs Office
8/21 May 1877

Deputy Commissioner
Chitaldroog

No. VIII

8

# Revenue derived from Hemp (Ganja) and its congeners, and preparations therefrom —

| District | Tahsil | Population. Mahomedans | Hindus & others | Total | No. of persons to the square mile | No. of licenses for retail of: Ganja | Charas | Bhang | Other preparations | Total | Licence duty on: Ganja | Charas | Bhang | Other preparations | Total | Fixed duty on: Ganja | Charas | Bhang | Other preparations | Total | Quantity sold (Seers or maunds): Ganja | Charas | Bhang | Other preparations | Total | Total Revenue from: Ganja | Charas | Bhang | Other preparations | Total | Incidental expenses | Population to each licensee | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chittagong | Chittagong | 3,571 | 77,206 | 80,777 | 121 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Rangunia | 6,129 | 99,858 | 105,987 | 297 | - | 2 | - | - | 2 | 110 | - | - | - | 110 | 5 | - | - | - | 5 | - | - | - | - | - | 115 | - | - | - | 115 | - | 52,993 | |
| | Hanchara | 1,737 | 39,172 | 40,311 | 110 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Boddera | 2,692 | 74,539 | 77,231 | 91 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Teriyoon | 1,362 | 61,245 | 62,607 | 82 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Bodiahaut | 658 | 36,719 | 37,377 | 107 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Rodongi | 1,194 | 59,626 | 60,820 | 93 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Paragada | 1,323 | 64,927 | 66,250 | 145 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Total | 18,668 | 512,292 | 531,960 | - | - | 2 | - | - | 2 | 110 | - | - | - | 110 | 5 | - | - | - | 5 | - | - | - | - | - | 115 | - | - | - | 115 | - | - | |

Chittagong Distt
Commr's office
21st May 1877

Commissioner.

4039 - 21st March 1877.
Section 22 ——

No 472/877

No 480

From The Commissioner Nagar Division

To The Judicial Commissioner of Burma

Dated 19th

Desp'd

Received 21st January 77

No 409.

Enclosures. +

Submits the Criminal and Civil Administration Report of this Division for 1876 ——

Section Judl
File No 3 — 1874
Serial No 4

+
1. Report of the Commr
3. Reports from the 3 Dy Commrs
3. Reports from the 3 Jnd Apcoths
1. Report of the Sagar Club & Asst Commr
3. Reports from the Mffs of Shwiogn, Anauktaw & Madur —
10. Civil Statements
8. Crim l Statements — with 3 copies of Lower Court Statements
32.

No. 409

Nagar Division
Commissioner's office
Shimoga 19th March 1877.

To

The Judicial Commissioner
of Mysore

Sir,

I have the honor to submit herewith the Criminal and Civil Administration Report of this Division for the past year together with the Accounts, and the District Reports* (in original), and to state that the Report on Jails will soon follow.

I have the honor to be,
Sir
Your most Obed.t Serv.t

Macfadyen
Commissioner
Nagar Division.

* Reports of the Deputy Commissioners and Judicial Assistant Commissioners

# Introduction

Territorial changes - 1 Except some internal changes which were found necessary consequent on the introduction of the Moonsiffs Scheme in 1875, affecting the extent of the jurisdiction of a few 3d Class Magistrates as noticed in the District Reports, the constitution and the territorial extent of the Division remained as before -

2 The formation of a new Taluk, Ramnad, Moorodajire had been recommended and approved of, but the orders on the subject will not take effect till 1st April 1877 -

3 The No of Courts remained the same as in previous years except that in consequence of an increase in crime, the Moonsiffs and Judicial assistants were in the latter part of the year invested as a temporary measure with criminal powers to cope with the

the heavy work and to admit of the Amildars and other officers devoting a greater portion of their time to the supervision of the various works within their limits opened for the relief of the poor -

4 The subjoined statement gives particulars regarding the several Courts and the powers which each exercised -

| | |
|---|---|
| 10 Sheristadars - | Exercising 3d Class Magistrates power |
| 9 Faishthars - | —— Do —— |
| 21 Amildars | —— Do —— |
| 4 Mamlatdars | Exercising 2d class powers |
| 3 Asstt Comrs | —— Do —— |
| 2 — Do - Do - | Exercising 1st Class powers - |
| 1 — Do - Do - | Do - & in charge of a Sub Division with power to hear appeals - |
| 3 Deputy Comrs | Distt Magtes powers & powers under Section 36 C.C.P. |
| Commissioner - | The powers of a Sessions Judge - |

The Moonsiffs and the Judicial assistant of Chitaldroog exercised crim.l powers towards the end of the year and the Moonsiff of Chickmagalur disposed of 5 cases. None of the officers of the above grades in the Shimoga District exercised criminal powers during the year under report.

**Legislation.**

**Oaths Act.** 6 The acts introduced into this Division during the year under report are given in the margin.

**Bills.** 7 The only bill received for opinion during the year is that relating to Treasure Trove, a report on which has been submitted.

## Part I Criminal Justice.

8 The no of offences reported during the year 1876 throughout the Division excluding the cases ascertained to be false and struck off, is 3,389 - Exhibiting an increase over the figure for 1875 of 704 cases Of these 1422 were reported in Shimoga - 778 in Kadur and 1189 in Chitaldroog - an examination of statement No 2 of these Districts for the years 1875 and 1876 shews an increase of crime in all the Districts, the largest increase being observable in the Chitaldroog District -

9 The following table exhibits the increase of offences under the different classes in the three (3) Districts -

| Districts | class I | class II | class III | class IV | Total |
|---|---|---|---|---|---|
| Shimoga | 68 | 99 | 95 | D: 30 | In: 232 |
| Kadur | 19 | 41 | 69 | I. 25 | I. 154 |
| Chitaldroog | 20 | 130 | 174 | D. 6 | I. 313 |

Shimoga District - 10 Thus in the Shimoga District the increase is among the first 3 classes -

11 A large no of frivolous and

and vexatious complaints are included in class No I

12. In class II the No of assaults has tended to the increase observable but it is satisfactory to find that there is a perceptible decrease under the heads Murder, grievous hurt and Rape -

13. The figures under the heads of "Exposure of child" and "Kidnapping" show an increase over the No reported in 1875 -

14 The increase in class III is chiefly under the heads "House breaking to commit theft," "Theft" and "Dacoity", being 45, 22 and 19 respectively - There is an increase of 3 cases under "Robbery" while under "Arson", "Crim. Breach of Trust" and Theft of cattle there is a marked decrease -

15. In the Madur District the increase under classes II and III alone needs notice -

Madur District

16. Under class II while there is an increase under the minor items of assault and Insult the figures under the more heinous offences show

a decrease
was reported in 1876 but
none in 1875.
Regarding class III there is
an increase under almost
every item especially in
respect of Dacoity, House
breaking, Theft, breaking
open a closed receptacle
and Theft of cattle.

Chitaldroog District. 17. In the Chitaldroog
District the increase is more
under classes II and III that
under I being comparatively
small. Class IV Exhibits
a decrease. The increase
under class II is chiefly
owing to the large No. of Assaults
and Insults reported during
the year under review over
the figures for 1875.

18. It is Satisfactory that
no increase is observable
under the head "heinous
Offences against person".
But the Same cannot
be Said regarding class III
the figures under Dacoity &
Robbery shewing an increase
of 33 and 11 respectively.
There is likewise an increase
under the head "theft of Cattle"

Reasons for the Increase of crime. 19 The Deputy Commrs are
unanimously of opinion that
the

the increase is owing to the bad Season and the consequent distress - This reasoning will apply to the 3 Districts although Chitaldroog has suffered most, for gangs of hungry people wander over the whole Division -

20. Offences against property are thereby accounted for, but not the increase of assaults & insults -

21. The no. of cases reported but ascertained to be false is 181 - in Shimoga for 1876 as against 139 of 1875, 168 in Kadur - for - Do - as against 189 of 1875 - 46 in Chitaldroog for Do - as against 133 reported in 1875 -

Cases struck off as false.

Making a total of 395 for 1876 as against 461 for 1875 throughout the Division -

22 There is an increase in the Shimoga District over the figure for 1875 and the Deputy Commr. puts it down to a propensity of the people of his District to report falsely cases of house breaking &c with the object mentioned in para 12 of his Report.

But

But it is not apparent why the injured husband in a case of adultery should make a false complaint of housebreaking and thus draw public attention upon him, if his object is to conceal the adultery - In Kadur the decrease is satisfactory -

23. The figures for Chitaldroog cannot be relied upon for the reasons given by the Deputy Commr in para 20 of his report. It is to be regretted that the Police Asstt Commr should have issued the order complained of on his own responsibility and without the knowledge of his official superior -

Complaints dismissed under Section 147 C.C.P.

24 The number under this head is the same as in last year - There is a slight decrease in Kadur but in Chitaldroog it is marked - Its increase in the Shimoga District is as heavy as the decrease in the Chitaldroog District and much cannot be made either way of these results -

25. The number of persons accused

accused in all the offences reported is 7685 against 5499 in 1875 - The increase in persons follows the increase in cases -

26. During the year under review, 3037 cases have been brought to trial involving 6645 persons, bearing a proportion of nearly 90 per cent to the No. of cases reported - The following table exhibits the proportion of the No. brought to trial under classes II and III to the number reported -

| | | No. of cases reported | No. brought to trial |
|---|---|---|---|
| Class II | Murder | 8 | 8 |
| | Culpabable homicide | 9 | 8 |
| | Grievious Hurt | 11 | 5 |
| | Rape | 2 | 2 |
| | Kidnapping | 5 | 5 |
| | Exposure of Infant | 5 | 3. |
| Class III | Dacoity | 78 | 52 |
| | Robbery | 42 | 19 |
| | Arson | 10 | 8 |
| | House breaking to commit theft | 223 | 91 |
| | Breach of trust | 13 | 10. |

27. Under class II the results are favorable under all the items except grievous hurt of which 6 remain undetected

undetected out of 11 reported. These 6 belong to the Chitaldroog District. Appendix A attached to the report of this District does not give the details of these cases, and it does not appear why they should remain undetected. It is understood that in all such cases complaints are preferred against particular individuals and there should therefore be no difficulty in detecting them. It may happen that the persons accused absconds and under such circumstances the cases should be shown as pending on this account rather than as undetected.

28. Under class III the results are not so satisfactory especially under the head Housebreaking to commit theft, only 91 having been brought to trial against 223 reported. Shimoga presents the worst result under this head, the proportion of cases brought to trial to the cases reported being less than 1 to 5. The number of dacoities and robberies remaining undetected in

the

the Several Districts is shown below -

| | Dacoity | Robbery |
|---|---|---|
| Shimoga | 11 | 8 |
| Kadur | 8 | 7 |
| Chitaldroog | 19 | 9 |

29. Adding to the No of cases brought to trial during the year, the No pending trial at the end of 1875, and the No received by transfer, the total No of cases for disposal amounted to 3,160 involving 7,014 persons namely -

| Cases | Persons | |
|---|---|---|
| 1,252 | 2,696 | In Shimoga |
| 764 | 1569 | In Kadur |
| 1,104 | 2578 | In Chitaldroog |
| 40 | 171 | In the Sessions Court |
| 3,160 | 7,014 - | |

Result of trials

Cases.

30. In 1347 cases the accused persons were either acquitted or discharged, the No of cases which were prosecuted to conviction being 1670 involving 3,091 persons -

31. Compared with the results for 1875 there is a slight increase in the No acquitted or discharged and a corresponding decrease in the No committed or convicted

Persons

32. The No of persons acquitted contrasts unfavorably with the

the 2s convicted or committed being 3498 or 49.9 per cent and 3395 or 47.2 per cent respectively, thus leaving to the supposition that the Police and the Magistracy did not exercise proper discretion in making or ordering arrests -

33. The table below exhibits the proportion of acquittals and convictions in the 3 Districts for the year under report.

| Districts | Cases convicted or committed | Cases acquitted or discharged | Persons convicted or committed | Persons acquitted or discharged |
|---|---|---|---|---|
| Shimoga | 50.63 | 48.48 | 43.94 | 53.90 |
| Kadur | 53.27 | 46.07 | 42.83 | 55.89 |
| Chitaldroog | 61.05 | 34.60 | 51.67 | 43.95 |
| Sessions Court | 80.0 | 17.50 | 69.60 | 22.22 |

34. It will be observed from this that the results vary in the Several Districts, Shimoga Exhibiting the worst results both as regards cases and persons -

35 In Kadur the proportion of persons acquitted is greater than that of persons convicted while in Chitaldroog the results, considered as a whole are

are more satisfactory as well in regard to cases as persons.

36. The following table shews the results under the different classes of offences in the several Districts.

| Districts. | | Cases convicted or committed | Cases acquitted or discharged | Persons convicted or committed | Persons acquitted or discharged |
|---|---|---|---|---|---|
| Shimoga | | | | | |
| classes | I | 30.52 | 68.83 | 30.65 | 69.09 |
| | II | 45.68 | 54.0 | 38.0 | 61.57 |
| | III | 60.46 | 37.79 | 52.95 | 40.90 |
| | IV | 68.42 | 30.26 | 60.88 | 38.44 |
| Kadur | | | | | |
| classes | I | 64.79 | 33.80 | 63.63 | 35.06 |
| | II | 40.87 | 58.55 | 31.15 | 67.65 |
| | III | 58.62 | 40.61 | 45.09 | 53.27 |
| | IV | 77.0 | 23.0 | 68.20 | 31.78 |
| Chitaldroog | | | | | |
| classes | I | 51.31 | 42.10 | 50.39 | 45.67 |
| | II | 57.24 | 40.33 | 49.84 | 48.66 |
| | III | 60.96 | 32.19 | 49.13 | 43.84 |
| | IV | 87.87 | 11.11 | 82.18 | 16.09 |

Thus it will be seen that in Shimoga while the results as regards cases & persons under classes I and II are unfavorable, classes III and IV shew better results in both these respects. The results under Dacoity are favorable though there is room for improvement.

37 In Kadur a large no of acquittals under Insult and assault

assault seems to have influenced the present result under class II. The results of the trial of serious offences are satisfactory.

38. In the Chitaldroog Distt under Dacoity the no. of acquittals & discharges is greater than the no. of convictions and committals as regards persons, being 14 cases involving 163 persons and 15 cases with 123 persons accused respectively.

39. Under the head Housebreaking the no. of persons acquitted is greatly disproportionate being 97 against 65 convicted.

40. Of the total no. of cases brought to trial during the year under review 689* were taken up by the Police on complaints preferred to them and in 2244* cases the accused persons (4411 in number) were brought on warrants and summonses issued by the Magistrates.

41. In 104 cases the persons accused attended the courts of their own free will and 104 cases involving 289 persons accused, were received by

Distribution of work and the responsibility of the Magistrates & the Police for the results.

| | Cases | Persons |
|---|---|---|
| × | | |
| In Shimoga | 226 | 630 |
| In Kadur | 172 | 399 |
| In Chitaldroog | 291 | 1012 |
| | 689 | 2041 |

| | | |
|---|---|---|
| In Shimoga | 956 | 1,910 |
| In Kadur | 560 | 1,115 |
| In Chitaldroog | 728 | 1,386 |
| Total | 2,244 | 4,411. |

by transfer

42. Of the cases sent up by the police 122 cases involving 639 persons were discharged without trial and 54 cases involving 195 persons were acquitted while the no in which convictions were obtained was 468 involving 1081 persons -

43. Of the cases taken up by the magistrates on complaints preferred to them 242 cases involving 590 persons were discharged without trial and in 929 cases 2060 persons were acquitted while the no in which the persons accused were prosecuted to conviction is 1202 involving 2010 persons.

44. The following table institutes a comparison of the results obtained in cases brought by the Police & in those taken up by order of the magistrates in the Several Districts -

| Districts - | By Police | | | | By order of Magistrate | | | |
|---|---|---|---|---|---|---|---|---|
| | convicted | | acquitted or discharged | | convicted | | acquitted or discharged | |
| | cases | persons | cases | persons | cases | persons | cases | persons |
| Shimoga | 58.0 | 44.44 | 21.68 | 30.95 | 47.59 | 40.47 | 58.37 | [illegible] |
| Kadur | 68.60 | 51.88 | 22.67 | 36.34 | 48.93 | 38.20 | 57.89 | [illegible] |
| Chitaldrug | 64.26 | 45.06 | 28.52 | 46.54 | 64.83 | 58.44 | 41.07 | [illegible] |

45. It will be observed from the above that the results obtained in the police cases

in the 3 Districts are favorable except under the head persons in the Chitaldroog District the No. acquitted or discharged is slightly over the No convicted. To this is to be added the results obtained in the Sessions Court, the proportion of convictions to acquittals there being 31 to 6 out of a total of 38 cases -

46. In regard to cases taken up by the Magistrates:- In the Shimoga District the results are unfavorable both as regards cases and persons the percentage of acquittals being far greater than that of convictions - In Kadur while the results as regards cases are much the same as in Shimoga, in respect of persons they are worse -

47. The following table shews the amount of work done by the several classes of Magistrates in the 3 Districts from which it will be observed that the largest No. of cases have been disposed of by the 3rd Class

Class Magistracy –

| District | Class of Magts. | No. for disposal | | No. disposed of | | Pending | |
|---|---|---|---|---|---|---|---|
| | | Cases | Persons | Cases | Persons | Cases | Persons |
| Shimoga – | I Sheristadars & 3d. Class Magts | 151 | 338 | 149 | 336 | 2 | 2 |
| | II Faishkars & do | 290 | 594 | 290 | 594 | – | – |
| | III amildars & do | 551 | 1020 | 545 | 1006 | 6 | 14 |
| | IV asstts & 2d. Class do | 58 | 159 | 58 | 159 | Nil | |
| | V asstts & 1st Class do | 151 | 415 | 151 | 415 | Nil | |
| | VI Distt Magistrate with ordinary powers | 41 | 83 | 40 | 82 | 1 | 1 |
| | VII Under enhanced powers | 10 | 87 | 8 | 49 | 2 | 38 |
| | | 1252 | 2696 | 1241 | 2641 | 11 | 55 |
| Kadur – | I Shrs & 3d. Class Magts | 91 | 224 | 91 | 224 | Nil | |
| | II Faishkars & do | 99 | 198 | 99 | 198 | Nil | |
| | III amildars & do | 357 | 694 | 356 | 691 | 1 | 3 |
| | IV Moonsiffs & 2d Class do | 8 | 30 | 5 | 14 | 3 | 16 |
| | V asstts & 2d Class do | 145 | 296 | 145 | 296 | Nil | |
| | VI Distt Magistrate ordinary powers | 48 | 76 | 48 | 76 | Nil | |
| | VII do under enhanced jurisdiction | 15 | 50 | 15 | 50 | Nil | |
| | | 763 | 1568 | 759 | 1549 | 4 | 19 |
| Chitaldroog | I Shrs & 3d Class Magts | 51 | 101 | 49 | 98 | 2 | 3 |
| | II Faishkars & do | 175 | 352 | 175 | 352 | Nil | |
| | III amildars & do | 560 | 1141 | 557 | 1125 | 3 | 16 |
| | IV Moonsiffs & 2d Class Magts. | 35 | 114 | 34 | 113 | 1 | 1 |
| | V asstts & 2d Class do | 193 | 583 | 192 | 582 | 1 | 1 |
| | VI asstts & 1st Class do | 15 | 46 | 9 | 28 | 6 | 18 |
| | VII District Magistrate | | | | | | |
| | (a) ordinary jurisdiction | 53 | 98 | 51 | 96 | 2 | 2 |
| | (b) Enhanced do | 22 | 143 | 21 | 142 | 1 | 1 |
| | | 1104 | 2578 | 1088 | 2536 | 16 | 42 |
| Sessions Court | | 40 | 171 | 39 | 160 | 1 | 11 |

6. On a closer examination of the Return No III it will be observed

observed that the Faishkar of Shimoga has disposed of more cases than any other magistrate in the Division namely 195 cases involving 419 persons and the Faishkar of Kavaledurga the least namely one case in which there was one accused.

49. The details of disposal are given in statement No 3.

50. In my own Court there were 40 cases for disposal as has been stated already, shewing an increase over the figure for 1875.

51. The subjoined statement shews the No received from each of the 3 Districts including the 3 cases remaining at the end of 1875.

| District | Total for disposal: Pending from 1875 | | Received in 1876 | | Disposed of: Convicted | | Acquitted | | Pending | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Cases | Persons | Cases | Persons | Cases | Persons | C. | P. | C. | P. |
| Shimoga | 2 | 2 | 24 | 92 | 21 | 61 | 4 | 22 | 1 | 11 |
| Kadur | 1 | 3 | 3 | 20 | 4 | 18 | " | 4 | — | Nil<br>p.1 died |
| Chitaldroog | " | " | 10 | 54 | 7 | 40 | 3 | 12 | — | Nil |
| | | | | | 32 | 119 | 7 | 38 | 1 died<br>1 escaped | 1 |

52. The nature of the offences & the Section of the Penal code under which each fell has already been given in the Session statements submitted periodically

periodically and it does not therefore seem here necessary to enter any details except to mention that cases of Dacoity and Murder formed a great proportion of those disposed of.

53. A marked improvement over last year's figures is observable, the percentage of convictions being 80 against 66.2 in 1875. Of acquittals 17.5 against 30.3 of 1875 & of pending cases 2.5 against 9.1 in 1875.

54. These results speak much in favor of the Committing Magistrates who as a rule have used both care & judgment in sending up their cases to the Sessions. The cases before this court were ably prosecuted by the Public Prosecutor and the Court was aided by assessors in their disposal.

55. In 25 cases the Court concurred with the opinion of the assessors while in 10 it differed from them. In 4 cases the assessors were not asked their opinion the prisoners having been acquitted before being called

| Officers who committed | No. they committed |
|---|---|
| Mr. S.B. Krishna-Sawmy Iyengar | 2 |
| Mr. P. Krishna Row | 2 |
| Mr. Cunningham | 17 |
| Mr. Soob Row | 5 |
| Major Blair | 2 |
| Mr. Mahomed Salia | 2 |
| Mr. Naramappa | 8 |
| Major Armstrong | 2. |

on to enter upon their defence.

Cases pending. 56. The no. of cases pending at the end of the year was 32 involving 127 persons, of these 29 were let on bail, & 98 were remanded to custody. The date of the oldest case pending is 20th July 1876 and before the Sagar Taluk Magistrate.

57 The Deputy Comnr. of Shimoga in para 21 of his Report states the reason why it has been allowed to remain undisposed of so long. But under the circumstances stated by him the case should have been shewn under column 2 escaped in Return no 3. The one case shewn as pending in the returns against my court was received in December last and has been since disposed of.

Average duration of cases disposed of. 58. On an average each case disposed of in the division during the year occupied 5 3/4 days, a result which must on the whole be considered very satisfactory. Of the 57 courts which performed crim. work during the year, five-sevenths have been able to keep the average

average duration within the prescribed period viz a week - In the remaining Courts the duration has varied from 8 to 18½ days which latter is the longest period shown against any one Court in the Division. I may add that had it not been for the prevalence of cholera in many places, the duration would have been still less -

Witnesses

59 The no. of witnesses who attended the Criminal Courts of the Division during the year under report was 12566 giving on an average 4 per case disposed of. There is of course no standard for comparison on this point, but the average number is not excessive -

Detention of witnesses

60. Of the 12,566 persons who attended the Courts to give evidence, 10123 or 80.56 per cent were dismissed the day they arrived, and 1,783 or 14.19 were dismissed the next day. Thus the number of persons required to remain beyond 2 days forms a very small proportion of the whole - In no case but one has the detention

exceeded

exceeded 15 days - The case in which a witness was detained for 31 days was disposed of by Mr. Cunningham and his reasons for this long detention are to be found in para 26 of the Report from Shimoga - During the year repeated instructions were issued to the Magistracy to discharge witnesses without unnecessary delay and much good result has already flowed from them - The ordinary excuse put forth for postponing the examination of witnesses was pressure of other work, and the Subordinate Magistracy have been made clearly to understand that this will not always be accepted -

Cases not brought to trial for Non Service of Processes -

61. There were 11 cases throughout the Division pending for this reason at the close of the year, only one of which calls for remark - It is the one shown against the Court of the Deputy Commr. of Chitaldroog to have been pending from the 3rd February 1876 - The Deputy Commr. in para 45 of his report gives the reason why it was not brought to trial

trial, but under the circumstances stated, it seems that the case should have been removed from his file when a reasonable period after the warrant was returned unexecuted had expired, and the prosecutor who alone could be said to be interested in the issue of it, failed to appear and aid the Court in finding out the whereabouts of the accused.

62. The no. of persons punished during the year is 3,076 and the marginal table exhibits the no. under each description of punishment. It will be observed that the no. sentenced to fine only forms the bulk.

63. The no. whipped is 84 for the whole Division and it might have been found possible to have subjected a larger no. to this kind of punishment.

## Punishment.

| Description of punishment. | No. |
|---|---|
| Sentenced to death | 8 |
| " to transportation for life | 12 |
| " Imprisonment (a) rigorous with solitary confinement | 2 |
| do. without | 680 |
| (b) Simple | 96 |
| Imprisonment & fine | 494 |
| To mere fine | 1,685 |
| Imprisonment & whipping | 9 |
| Whipping merely | 75 |

19 received 10 stripes & under
21 — " — 20 — do — & — " —
44 — " — 30 — do — & — " —
84

64 The no. of men ordered to find security is 15 for the year throughout the Division.

## Provisions of chapter XXXVIII C.C.P.

To find security for good behaviour.

The

Provisions of chapter XXXVII C.C.P. Security to Keep the Peace -

65. The provisions of this chapter have been availed of in the Shimoga District alone and the no. of men ordered to keep the peace is 15 -

Refund of stamp duties -

66 In addition to the punishments inflicted in 473 cases the accused parties have been directed to repay to complainants the value of stamps used on their petitions and the amount thus ordered to be repaid is Rs 237 viz

86-8-0 in Shimoga
45-0-0 in Kadur and
105-8-0 in Chitaldroog

Amends awarded to the accused under Sec: 209 C.C.P.

67. The Salutary provisions of this Section have been enforced in all the Districts - In 104 cases 213 persons have been ordered to pay compensation to the accused parties and the amount thus levied is Rs 419-0-0 of which 373-7-8 has been paid to the parties entitled thereto - This sum includes the amount awarded in and payable on account of 1875 - The amount that remained unpaid at the end of the year is Rs 171-5-4.

Fines -

68. The total amount of fines imposed during the year

was Rs 21265-14-0, of which Rs 16488-12-1 were levied - Deducting this as well as the amount remitted on appeal before realization, the balance remaining unrecovered at the close of the year was Rupees 4137-1-1 - The balances against the marginally noted Courts are large & the attention of the Officers concerned will be drawn to them - The Deputy Commr. of Chitaldroog has explained that the amounts outstanding in the Courts of the Jud. asstt & Moonsiff were imposed at the latter part of the year & that there was not sufficient time to collect them - The Deputy Commrs. of Shimoga & Kadur have not given any explanation for the large amounts remaining unrecovered in their Districts - If it was owing to the poverty of the persons sentenced to fine the Deputy Commrs ought to bear in mind for the future at least the standing orders on the subject viz. that the fines imposed should be commensurate to the means of the accused. At the beginning of the last year there was a balance of

Sheristar of Hunnale
Deputy Commr of Shimoga
—do— Kadur
Jud asstt & 1st Class Magte Chitaldroog
Moonsiff of Chitaldroog

B.

Rs 35473-3-2 of fines imposed in former years - Of this amount Rs 2057-4-6 were struck off the account, and a sum of Rs 966-15-2 was collected during the year - The balance of unrealized fines of both 1876 and the previous years amounts to Rs 36,349-5-7, and it is feared that a great portion of this will have to be struck off at the end of the prescribed time -

Compensation - 69. Under Section 308 of the Crim. Pro: Code Rs 2990-12-1 were awarded during the year as compensation to injured complainants - a sum of Rs 2,850-14-10 was paid to parties both on account of this and previous years -

Summary trials - 70. The officers possessing powers under chapter XVIII of the Procedure Code are the 3 Deputy Commrs & Messrs Cunningham and S. B. Kristnaswamy Iyengar - The no of cases each officer has disposed of under that chapter is shewn in the margin

| | Cases | Persons |
|---|---|---|
| Major Blair | 6 | 12 |
| Mr. Cunningham | 20 | 32 |
| Mr Kristnaswamy Iyengar | 2 | 2 |
| Mr Krishna Rao | 1 | 1 |
| Major Armstrong | 3 | 5 |

Cases disposed of under Section 36 C.C.P. 71 The officers exercising enhanced powers under Section

36

36 Crim. Procedure Code remained the same as in the previous year. The following table shows the no. of cases disposed of by each officer and the manner of their disposal –

| Name of Officer – | No discharged or acquitted | | No convicted: Sentenced to 3 years & under – | | No convicted: Sentenced above 3 years subject to confirmation by sessions judge | | Total no. disposed of | |
|---|---|---|---|---|---|---|---|---|
| | Cases | Persons | cases | Persons | Cases | Persons | Cases | P |
| 1. Major Blair – | 2 | 21 | 1 | 2 | 5 | 26 | 8 | 4 |
| 2. Rs. P. Krishna Rao | 3 | 18 | 8 | 18 | 4 | 14 | 15 | 5 |
| 3. Major Armstrong. | 6 | 64 | 9 | 35 | 6 | 43 | 21 | 14 |

72. Thus on the whole 44 cases involving 241 persons were tried by these officers under their enhanced jurisdiction, which was a great relief to the Sessions Court. The cases referred for confirmation of sentence were disposed of in this Court in the manner shown below –

| Cases received from – | Sentences confirmed | | Reduced | | Reversed – | |
|---|---|---|---|---|---|---|
| | C. | P. | C. | P. | C. | P. |
| 1. Shimoga Distt. | 2 | 11 | 2 | 12 | 1 | 3 |
| 2 Kadur Distt. | 3 | 9 | 1 | 1 | · | 4 |
| 3 Chitaldroog Distt | 5 | 19 | [illegible] | [illegible] | 1 | 14 |
| | 10 | 39 | 3 | 13 | 2 | 21. |

73. A greater no of the cases would have been tried by these officers but for the extra labor imposed on them in consequence

consequence of the Famine. The increase in the No. of cases sent up to the Sessions Court this year over last arose partly from this cause & partly from the fact that Major Blair was absent from his District for 3 months during which time Mr. Cunningham had charge of the District without powers under Section 36 C.C.P.

Criminal appeals -

74. There were 5 courts authorized to hear appeals, viz: the Sessions Court, the Deputy Commrs.' Courts and the Court of the asstt Commr. Sagar Sub Division - In these a total of 133 appeals were preferred during the year by 237 convicted persons exclusive of miscellaneous appeals - The No. forms but a small proportion viz 8.5 per cent of the total No. of appealable cases.

75. In one instance only was the provision of the Crim.l Procedure Code regarding enhancing the sentence of the Lower Court availed of.

76. There were 5 cases pending at the beginning of the year, including

including which there were in all 138 cases concerning 241 persons for disposal during the year. of these all but two were disposed of and these appeals were preferred in December.

77. Out of 136 appeals disposed of
(a) 16 or 11.8 per cent concerning 32 persons were rejected
(b) 67 or 49.3 per cent concerning 120 persons resulted in confirmation of the sentences passed.
(c) 15 or 11.0 per cent concerning 28 persons in modification of sentences &
(d) 38 or 27.9 per cent concerning 59 persons in reversal.

78. Thus the proportion of appeals rejected & sentences confirmed is, taken together, 61.1 against 56.3 in 1875. This result is satisfactory.

79. The appeals instituted and disposed of in the Sessions Court here from the sentences passed by the magistrates named below.

Name

| Name of Magistrate | No. of appeals received from his sentence | | Appeals rejected & Sentences confirmed | | Reduced | | Enhanced | | Reversed | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Cases | Persons | C. | P. | C. | P. | C. | P. | C. | P. |
| 1. asstt Comr. of Shimoga & Sr. S. B. Krishnaswamy Iyengar | 6 | 25 | 3 | 21 | 1 | 2 | — | | 2 | 2 |
| 2 Do - Sr. Sool Ros | 8 | 10 | 4 | 6 | 1 | 1 | 1 | 1 | 2 | 2 |
| 3 asstt Comr. Sagar & Sub Dr. Sr. Cunningham | 11 | 20 | 7 Rejected 2 | 12 4 | — | | — | | 2 | 4 |
| 4. Distt Magte Major Blair | 2 | 3 | 1 | 1 | 1 | 2 | — | | — | |
| 1. Distt Magte Sr. P. Krishna Ros | 9 | 10 | 6 | 7 | 2 | 2 | — | | 1 | 1 |
| 1. Distt Magistrate Major Armstrong | 5 | 9 | 5 | 9 | | | | | | |
| 2. Jnd asstt & 1st Class Magte Sr. S. Venkatavardiengar | 1 | 1 | Pending | | | | | | | |
| | 42 | 78 | 28 | 60 | 5 | 7 | 1 | 1 | 7 | 9 |

80 The per centage of appeals rejected and those resulting in confirmation of sentence was 66.6 that of appeals in which sentences were modified 14.3 and that of Reversals 16.6.

Miscellaneous Work - 81 165 Miscellaneous cases & 220 petitions were received for disposal during the year in all the Courts in the Division of which all but 2 cases & 1 petition were disposed of - These figures do not include 4 Miscellaneous appeals preferred in the Sessions Court, of which 3 were disposed of during the year, 2 resulting in the appeals being rejected

and

and / in reversal of the order of the lower Court - one was pending from the 30th Novr. last as it had been referred to the lower Court for further evidence -

82. The Division was in my charge throughout the year - The Shimoga District was administered by Major Blair during 9 months of the year, he having gone home on 3 months privilege leave between 19th April and 19th July 1876 - Mr. Cunningham had charge of the District during the period Major Blair was so absent - The District of Kadur was under the administration of Mr. Krishna Rao throughout the year - The Chitaldroog District continued to be under Major Armstrong's charge - General

83. Mr. Cunningham held the charge of the Sagar Sub Dn during the year except in the months of April, May, June and part of July when he was in charge of the District, Mr Suba Rao doing his duties as Sub Dnl Officer during the employment of Mr. Cunningham as above - General asstt Commrs.

84 Mr. Suba Rao was transferred

to this Division in March & relieved Mr. S.B. Krishnaswamy Iyengar of the charge of the II Sub Division which that officer held previously -

85. Mr. Bintoory was doing general duties as a Magistrate of the 2d Class and had charge of the District Treasury -

86. In the Kadur District Mr. Muhammed Saliba assisted Mr. Krishna Rao in his general duties and exercised 2d Class Magistrate's powers -

87 In the Chitaldroog District a casualty occurred among the assistants. Mr. Krishnya who went on leave for the benefit of his health did not return to duty and his place was taken by Mr. Naranappa who is at present employed under Major Armstrong -

The Bar - 88 Is composed of 3 passed pleaders. Of these Messrs Vasudeva Iyer and Sunderam Iyer have been in the Division for some time past while Mr. Phillips joined the Division lately -

89 The No is not sufficient for local wants and it would be

be well if a few more from Bangalore could be induced to come -

The paucity of pleaders encourages the practice of making over bonds to a class of persons many of whom are vakeels and who find it profitable to promote litigation by instituting suits on such documents

General Remarks -

The Crim.l work of the Deputy Comm.rs has been heavier than usual during the past year, and it has been well performed amidst the many anxious duties which were devolved upon them in consequence of the prevailing famine

Among the assistant Commissioners, Mr. Cunningham's ability as a Magistrate has been conspicuous -

I have to thank my judicial sheristadar Mr. Rama-Swamy Iyengar for his able assistance as a ministerial officer - He also conducted the duties of Public Prosecutor

for

for several months till the appointment of the Judicial Head Moonshi to that post the work of which he gives promise of performing with credit

Macleod
Commissioner
Nagpur Division

Nagur Division
Criminal Report
for 1876.

## Part II Civil Justice.

The no. of courts having civil jurisdiction remained during the year under report the same as in the year previous to it -

Namely -

1. Commrs' Court
3. Deputy Commrs' Courts
3. Jud asstt Commrs' Courts and
8 Moonsiffs Courts -

The no. of suits instituted in the several courts in 1876 is given below compared with the no instituted in 1875 -

| | | 1876 | 1875 |
|---|---|---|---|
| Commrs Court | | 1 | 1 |
| Deputy Commrs Courts | Shimoga | 1 | . |
| | Kadur | . | 2 |
| | Chitaldroog | 2 | 2 |
| Jud asstt Commrs Court | Shimoga | 372 | 408 |
| | Kadur | 357 | 352 |
| | Chitaldroog | 191 | 240 |
| Moonsiffs Courts at - | Shimoga | 859 | 577 |
| | Anantapur | 367 | 426 |
| | Shikarpur | 676 | 447 |
| | Chitaldroog | 248 | 355 |
| | Davengere | 503 | 436 |
| | Hallikeri | 251 | 279 |
| | Chickmagalur | 326 | 275 |
| | Kadur | 321 | 290 |

95 The above exhibits but a very slight falling off in the no. of suits instituted throughout the Division when compared

: H

with the figure for 1875, though in some particular courts an increase or decrease is observable. The figures entered against the Moonsiffs for 1875 represent the no. of suits instituted in their courts during only 9 months of that year the amildars in the Division having exercised civil powers up to the 31st of March 1875.

96. The no. instituted in the amildars Courts of the 3 Distts in the 1st quarter of 1875 is given below -

Shimoga -- 208
Kadur ..... 62
Chitaldroog ..234

97. Adding these to the no. instituted in the other Courts during 1875, the comparison stands as shewn hereunder namely -

| District | No instituted in 1876. | do in 1875. | Increase or Decrease |
|---|---|---|---|
| Shimoga | 2275 | 2066 | 209 I. |
| Kadur | 1004 | 981 | 23 I. |
| Chitaldroog | 1195 | 1546 | 351 D. |

While in the Shimoga & Kadur Districts there is an increase Chitaldroog presents a considerable decrease.

The Deputy Commr. of Shimoga has not explained the reason for

for the increase in his District.

98. The Deputy Commr. of Kadur thinks that the present Scarcity has tended to the increase in his District and the Deputy Commr. of Chitaldroog attributes the decrease in his District to the same agency, in other words scarcity is supposed to have produced an increase of litigation in one District & a decrease of it in another. But the decrease being considerable while the increase is small; it maybe that scarcity has produced the effect ascribed to it by Major Armstrong while the slight increase in Kadur is capable of explanation in any other mode. Moreover the Deputy Commr of Kadur has not localized the increase & it is not possible therefore to say if the present Scarcity has in any way influenced it.

99. It maybe useful here to state that the No. of Suits instituted in the Kadur Moonsiffs' Court in 1876 shows an increase of 3 Suits

over

over the No. instituted in his Court during the 9 months of 1875 and in those of the Amildars of the Taluks now comprising the Kadur Moonsiffs Sub Division in the 1st quarter of that year

100. The Jud asstt of Kadur had almost the same No. in 1876 as in 1875 while the Courts of the Jud asstt Courts at Shimoga and Chitaldroog present a decrease, the former of 36 and the latter of 49 as compared with the figures for 1875 -

101. Below is given the nature of the Suits instituted with their value under each description

Nature of the Suits instituted and their value -

| | | | Rs |
|---|---|---|---|
| (a) | On written obligations | 2827 under | 500 |
| | " | 81 above | -- |
| (b) | on unwritten — Do | 552 under | -- |
| | " | 6 above | -- |
| (c) | on account stated | 314 under | -- |
| | " | 9 above | -- |
| (d) | For money had & received | 8 under | -- |
| (e) | For price of goods sold | 33 under | -- |
| (f) | Breach of contract not mentioned above | 77 under | -- |
| | | 1 above | -- |
| (g) | For Rent | 28 under | -- |
| | | 2 above | -- |
| (h) | For moveable property or value thereof | 172 under | |
| | | 2 above | |
| (i) | Damages | 67 under | |
| | | 1 above. | |
| (j) | Suits for immoveable property | 235 | |
| (k) | Specific performance of contract | 3 | |

(l) Suits for declaration of rights to real property &c } 11

(m) Suits for do. of personal rights.. 21

(n) For an account - - - - - - 4

(o) For setting aside judgments &c on grounds of fraud — } 9

(p) For dissolution of marriage } 1

(q) Suits for enforcement of matrimonial rights } 3

(r) for partition - - - - - - 8

making a total of 4475 of all descriptions for the year involving a sum of Rs 5,43,517-14-11. The highest value of any one suit instituted was Rs 14000 in the Court of the Commissioner being a suit brought by one of the members of an undivided (alleged by Plaintiff) Hindu family for partition - The above shows that suits of a nature cognizable by a small cause court form the bulk of the litigation - It also shows that the people generally take some written security for repayment of their debts, the no of suits on unwritten obligations being only 12.5 per cent of the whole.

Suits disposed of -

102. Adding 338 which remained in arrears at the end of 1875, to the no instituted during 1876,

to

the total for disposal was 4813 of which 4,366 or 90·7 per cent were disposed of.

103. The total amount involved in the suits disposed of is Rs 480875-0-6 Statement No 7 shews the No disposed of under various pecuniary limits, from which it will be observed that a very great proportion consisted of suits for 100 Rs and below -

104. The No disposed of by the several classes of Courts is given below -

By Munsiffs ..... 3460
" Jud asst Commrs .... 904
" Deputy Commrs ..... 2.

105. The highest No disposed of by any one court was 803, namely by the Shimoga Munsiff -

106. Of the total No disposed of

Manner of disposal -

Uncontested:
- 138 were rejected or returned
- 287 Dismissed for default
- 60 withdrawn with leave
- 114 Compromised
- 1124 Decreed on Confession
- 1171 Decreed Ex parte

Contested:
- 916 Decided in favor of Plaintiff
- 314 — " — " — of Defdt.

4366.

The

107 [illegible]
was 4356 and a comparison
of details in both years, calls
for no special remark

108. The no of cases compromised
Decreed on confession, decreed
Exparte and in which judgment
was passed for Plaintiff
taken together furnish
evidence that a large
proportion of the claims
were true and that there
was a disposition on the
part of the Defendants to
yield to justice -

109 The no of contested suits
is a little above 25 per
cent of the total disposed
of - only in a fourth of the
contested suits have decrees
been passed in favor of the Defs.
A large no of suits have
been decreed exparte, and
many have been dismissed
for default -

110 This would be very unsatis-
factory were it not that the
small no (5 per cent) of
applications for a refile of
such suits, seems to show
that the courts were not,
as a rule, inconsiderate or
abrupt in their procedure -
Nevertheless, an excessive
number of suits have thus
been disposed of by the
[illegible]

Moonsiffs of Davengere, Shikarpur and Shimoga in the proportions given in the margin -

1/2 Davengere
1/2 (nearly) Shikarpur
1/3 Shimoga -

111. The following table exhibits the period occupied by the different courts in the disposal of suits, contested being distinguished from uncontested & compared with the period occupied in 1875 -

Duration of Suits disposed of -

| Class of courts - | In 1876 contested days | In 1876 uncontested | In 1875 contested | In 1875 not contested |
|---|---|---|---|---|
| Moonsiffs ..... | 30.6 | 27.3 | 34.9 | 20.4 |
| Jud asstt Commrs ... | 29.0 | 17.7 | 35.0 | 23.5 |
| Deputy Commrs ..... | 48.0 | 58.0 | 63.0 | . |

112. The Deputy Commrs of Shimoga and Chitaldroog both state that the duration of suits in the Moonsiffs' courts is affected by the orders of the Judicial Commr regarding the disposal of suits instituted at their circuit stations - There can be no doubt that this is the case and due allowance must accordingly be made -

113. The only question is whether the system works in the interests of the people and of justice - For the rest it is a matter of figures, and the real duration of a suit can, if required, be ascertained

by excluding from the calculation the number of days after institution during which the Court was absent from the circuit station at which alone the suit could be tried. But for the absence of some of the Moonsiffs in the Shimoga and Chitaldroog Districts on leave during the year under report the duration at present shown would have been still less. I have great doubts about the accuracy of the figures for the Chellakere Moonsiff Court which show an average duration of 3¼ days for contest cases.

114. The Deputy Commr. will be requested to report if the period is correctly entered. In the statement of small cause suits disposed of, the Moonsiff has stated that he occupied 312 days in disposing of 13 contested cases giving each case 24 days on an average, whereas in statement No 8 the aggregate period occupied for the disposal of 73 cases is shewn as 240 days.

115. The duration of small cause

cause suits contested & uncontested calls for no special notice

Pending file

116. There were 447 cases pending at the end of the year against 338 which remained undisposed of at the end of 1875-

117. The largest no pending is in the Shimoga Moonsiff's Court being 103-

118. Considering the no disposed of, the no pending is not proportionately large and in the case of the Shimoga Moonsiff 62 cases belong this circuit stations-

119. The date of the oldest case pending is 3rd June 1876 on the file of the Shikarpur Moonsiff- It will be observed from the accounts that many are pending over 2 months and a few over 4 months- The reasons have been stated in submitting the monthly accounts-

120. In my own court there is one suit pending undisposed of- It was instituted on the 28th July 1876- It is a claim for a division of property as

ha

has been already stated, and the reasons for the delay in its disposal have already been given.

## Appeals

121. The no. of courts having appellate jurisdiction during the year was the same as in the previous year viz. the 3 Jud. asstts, the 3 Deputy Comm.rs and 1 Comm.rs' Courts.

122. The no. of appealable cases was 1171, in 157 of which appeals were instituted giving on an average 13·4 per cent or 2·0 per cent less than in the year before last.

123. There were 16 appeals remaining at the close of 1875, which with those instituted during the past year, gave 173 cases for disposal, of which 160 were heard & decided during the year, leaving 13 appeals to be disposed of in the current year. The following table shows the manner in which the appeals were disposed of.

| | |
|---|---|
| Dismissed for default | 13 |
| Heard Ex parte | 28 |
| Contested | 119 |
| | 160. |

124. Of the cases disposed of on their merits, i.e. 147,

79 decrees of the Lower Courts were confirmed, 18 modified 38 reversed and 12 remanded to the Lower Courts for fresh decisions. These results are compared with those of 1875 in the following table.

| | 1875. | 1876. |
|---|---|---|
| Dismissed for default | 7.92 | 8.12 |
| Confirmed | 46.3 | 49.4 |
| Modified | 14.02 | 11.25 |
| Reversed | 28.05 | 23.75 |
| Remanded | 3.66 | 7.50. |

125. It will be seen from the above that a large no of decrees of the Lower Courts were confirmed, the no reversed being small. This result speaks well for the labor and care bestowed on their work by the courts of 1st instance generally.

126. The amount of appeal work performed by each Court is shown below nearly one half of which was done by the Jud asstt Shimoga.

| | 1876. | 1877. |
|---|---|---|
| Jud asstt Shimoga | 74 | 22 |
| ....Do.... Kadur | 10 | 13 |
| ....Do.... Chitaldroog | 15 | 12 |
| Deputy Commr Shimoga | 7 | 14 |
| Do — Kadur | 14 | 13 |
| Do — Chitaldroog | 18 | 32. |
| Commissioner's Court | 22 | 58. |

The introduction of the munsiffs' scheme in april 187: & the consequent change in the jurisdiction of the appellate courts have diminished the appeals in my court -

128. Of the 22 appeals preferred, in 12 were the decrees of the Lower Courts confirmed, in 5 they were modified, in 4 they were reversed and 1 was remanded -

129. It is due to the Jud asstt to say that their work so far as it has come before me reflects much credit upon them -

130 The average duration of appeals disposed of was 29.9 against 37.8 days in 1875 -

131 The average duration of appeals in the several classes of courts was as shown below

| | 1875. | 1876. |
|---|---|---|
| Judicial asstts' Courts.. | 30.4 | 27.6 |
| Deputy Commrs ..... | 16.0 | 28.9 |
| Commissioners ..... | 66.0 | 42. |

132 Of the 13 cases shown above as undisposed of at the close of the year, only one was pending over two months in the Court of the Judicial asstt Shimoga

the

the appeal having been instituted on the 27th October 1876.

Execution of Decrees.

133. The number of applications filed in all the Courts during the year was 3014 against 2579 in 1875 showing an increase of 435. There were 265 applications pending disposal at the end of 1875 and 52 were received by transfer during the year. Thus the total no. of applications for disposal during the year was 3331 involving a sum of Rs 728,758-8-5. Of these 2888 or 86.7 per cent involving the sum of Rupees 5,10,847-13-4 were disposed of, leaving a balance of 443 applications.

134. The subjoined table shews the amount of work performed by each class of Courts in this branch during last year.

| | |
|---|---|
| Moonsiffs | 1982 |
| Judicial asstts | 895 |
| Deputy Commrs | 7 |
| Commissioners | 4 |
| | 2888 |

135. The largest amount of work

work done in this branch was in the courts of the Judicial and of the Moonsiff of Shimoga, the applications disposed of were respectively 471 and 465.

136. Of the total no disposed of

125 applications were transferred
1583 ..... were withdrawn or rejected, &c
691 ..... were completely executed
489 ..... were partially executed.

137. A large no have been either withdrawn or rejected &c and the Judicial assistant of Shimoga in para 11 of his report explains the reason for it.

138 The nature of the processes issued in the execution of decrees was as follows.

| | No of processes | | Value of the property involved. | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 1876 | 1875 | 1876 | | | 1875. | | |
| For attachment of movable property | 446 | 310 | 38498 | 8 | 5 | 32364 | 4 | 11 |
| For sale of Do | 298 | 226 | 29443 | 3 | 1 | 25558 | 7 | 4 |
| For attachment of immovable property | 299 | 214 | 35278 | - | 5 | 37479 | 13 | 9 |
| For sale of Do | 184 | 189 | 20567 | 7 | - | 57559 | 10 | 11 |
| For imprisonment of person | 77 | 99 | 13103 | 2 | 7 | 16528 | 10 | 9 |
| For possession | 32 | 20 | 9283 | 7 | 7 | 4357 | 13 | 7 |

139 The oldest case pending is dated 16th February 1876 in the court of the Moonsiff of Chikmagalur. No explanation

is given for this either by the Moonsiff or the Deputy Commr.

140. While there has been a slight decrease in the No of Miscellaneous cases during the year as compared with that of the previous year, there was an increase in the No. of Miscellaneous Petitions, the No being respectively 267 cases & 387 petitions against 273 and 287 - With the balance pending at the end of last year the total No. for disposal was 285 cases & 390 petitions all of which were disposed of except 20 cases & 21 petitions -

Miscellaneous work

141. The total Revenue from stamps under all heads including penalties levied on unstamped or insufficiently stamped documents, amounted in all Courts to Rupees 51,205-1-4 while the costs of the tribunals was Rupees 167,717-9-9 thus showing an increase of Expenditure over receipts of Rs 116,512-8-5. The only Courts that have shown an increase in receipts over Expenditure are those of the Moonsiffs of Shimoga and Shikarpur & the Jud asstts of Shimoga & Kadur.

Financial

The

The stamp Revenue realized in 1875 was nearly the same as in last year viz Rupees 51,159-9-8 & the Expenditure was Rs 157,840-3-8-

143. The stamps paid for by Plaintiffs amounted to Rs 43465-11-7, which gives nearly Rs 8 per cent of the value of suits instituted - This is exclusive of the process & other costs which when added raises the costs incurred by Plaintiffs to about Rs 12-4-0 per cent of the value of the suits -

144. The costs incurred by Defendants amounted in all to Rs 3663-2-2-

Process Serving Establishment

145 The total no of processes issued during the year under report was 26475, which with the no received from other Courts gives a total of 27644, of which 26951 or 97.49 per cent were served leaving only 693 or 2.51 per cent for Service during the current year -

Amount of fees levied

146 Except in the Chittaldroog District where there was a decrease of Rs 830-12-0 the realizations

realizations on account of process fees in other Districts were greater in 1876 than in 1875. The total amount collected in all the Courts of the Division amounted to Rs 18424-8-0 during the past year against Rupees 17060-5-0 in the one previous & the total cost of Establishment and Contingencies was Rs 11515-2-9, thus showing that the Establishment was not only self supporting as usual but that a surplus of Rs 6909-5-3 has been saved to Govt.

147 The strength of the Establishment in the several Courts of the Division together with the No. of processes served by each class of Servants viz Cumins & peons as contrasted with the amount of work done by them in 1875 is given in the statement appended

148. The Jud asstt of Shimoga in para 7 of his report brings to notice the heavy expense incurred in consequence of the present scale of fees

in respect of suits involving small sums and the Deputy Commr. while supporting his views recommends an intermediate scale for suits between 100 & 300 Rs, so as to provide against any loss to Govt.

149. The question deserves consideration, but should form the subject of a separate reference - as should in my opinion, all proposals for a change of system or procedure.

General Remarks -

150 The Officers who presided over the several Civil Courts in the Division were nearly the same as in the year 1875. There was a casualty among the Moonsiffs. Mr. Lowe died of fever on the 28th September 1876.

51. 2 Moonsiffs left the Division during the year under report, one (Mr. Nursinga Rao) on promotion and the other Mr. Lawrance by transfer.

Nagar Commrs office
Shimoga 12th March 1877

Commissioner
Nagar Div.

C. Ch. S.

# Report on the Excise Revenue of the Chittagong District for the year 1876–77.

Under both the heads comprising Excise Revenue viz. "Abkaree" & "Sayer," there was a net falling off of Rs. 32,923 for the year under Review as compared with the amount realized in the year preceding. Out of that sum, Rs. 20,384–3–0, was under former, and Rs. 12,538–12–2, under the latter items. One general cause of the whole decrease, was owing to the long famine and drought which has existed, and the impoverished condition of the people. The details of Abkaree Revenue under its several sub heads, as compared with those of previous year, are shown in the following table

| | Realizations for 1875–76. | | | Realizations for 1876–77. | | | Increase | | | Decrease | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Toddy Contract | 123,583 | 5 | 4 | 105,277 | 8 | 4 | " | " | " | 18,305 | 15 | " |
| Still head duty on arrack | 7,728 | " | 4 | 5,681 | 8 | " | " | " | " | 2,046 | 8 | 4 |
| 2. License fees on arrack | 1,707 | " | " | 1,236 | " | " | " | " | " | 471 | " | " |
| Sale of arrack Shops by public auction | 382 | 1 | " | 385 | 1 | " | 2 | 15 | " | " | | |

| | Realizations for 1875-76. | | | Realizations for 1876-77. | | | Increase | | | Decrease | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Ganja contract | 55 | " | " | 5 | " | " | " | " | " | 50 | " | " |
| 3 License fees on Ganja contract of the rights | 175 | " | " | 110 | " | " | " | " | " | 65 | " | " |
| 4. of selling opium | 44 | " | " | 65 | 12 | " | 21 | 17 | " | " | " | " |
| 2 Miscellaneous | 2,475 | 4 | 7 | 3,004 | 13 | 1 | 529 | 8 | 6 | " | " | " |
| Total | 136,149 | 12 | 3 | 115,765 | 8 | 5 | 554 | 3 | 6 | 20,938 | 7 | 4 |
| | deduct increase | | | | | | | | | 554 | 3 | 6 |
| | | | | Net decrease | | | | | | 20,384 | 3 | 10 |

There should have been no difference in the realizations under this head between the year under review & that preceding, in as much as the former was the 2nd of the 3 years over which the contract extended & the amount collected ought, therefore, to have been one third of that of the triennial contract. But the falling off was in consequence of the remissions granted, in the proportion shown in the marginal statement, to one of the contractors who had originally taken no less than five out of the ten Talooks which formed the District at the time the sale of the triennial lease took place. The ground on which remissions were granted

Lodhy.

Toddy

| | Amount of Rents for the Months as per original Contract | | | Bids of Parsi Jal the sums of the Contract | | | Amt. offered by the defaulting Contractor to whom the Contract was re-Leased. | | |
|---|---|---|---|---|---|---|---|---|---|
| Chittoor | 19,186 | 10 | 8 | 2666 | 10 | 8 | 5524 | 10 | 8 |
| Dharmapuri | 7758 | 5 | 4 | 6166 | 10 | 8 | 4231 | 5 | 4 |
| Dindigul | 12,933 | 5 | 4 | 4000 | - | - | 7053 | 12 | 7 |
| Budihaul | 3325 | - | - | 2000 | - | - | 1922 | 5 | 4 |
| Vellore | 5883 | 5 | 4 | 1000 | - | - | 3208 | 10 | 8 |
| Total | 49,266 | 10 | 8 | 18,833 | 5 | 4 | 21,940 | 12 | 7 |
| Deduct | | | | | | | 18,833 | 5 | 4 |
| | | | | | | | 3,127 | 7 | 3 |

1878 1st the inability owing to reduced consumption of the contractor to keep to the terms of his agreement from and after 1st October 1876, & 2ndly the unfavorable result by public auction of the Contract, & lastly the offer by the defaulting contractor of terms which were advantageous as compared with any others.

Retail licenses for selling Toddy issued in the year under report in the printed forms — furnished from Chief Comr's office, numbered 455, which was in the proportion of one License per 1168 of the population, against 1208 of population per Retail License in the previous year.

The incidence of total Toddy Revenue per head of the total population was 2 annas & 2 pies

while

while it was 3 — 9 Rix Dr. in the preceding year.

This item shows a decrease of Rs. 2046-8-4, under still head Revenue Duty, Rs. 471, under licence fees, & a trifling increase under sale of arrack shops by auction. The decrease was attributable to a diminution in the consumption of arrack owing, it is assisted, to the high price of the liquor & the smaller number of shops bought at auction than in the previous year. —

The quantity of arrack distilled, & the amount of still head duty here & other particulars as under did in the subjoined statement.

| Stores. | No. of Stills. | Quantity distilled in gallons. | Rate of still head duty per gallon | Amt. of duty | No. of shops. Wholesale. Retail. Total. | Amt. of licence fees for sale |
|---|---|---|---|---|---|---|
| | | | | | Wholesale / Retail / Total | |
| Chitteldroog | 9. | 3025 " " | 2. for Retail shops | 5581 8 " | " 6 6. | 438 |
| Dharwar | " | " " " | 1. 12 " for wholesale shops | | 3 11 14. | 438 |
| Kanara | " | " " " | " " " | " " " | " 1. 1. | 55 |
| Dodderi | " | " " " | " " " | " " " | 1. 7 8. | 192 |
| Wayaur | " | " " " | " " " | " " " | " 4 4. | 65 |
| Bidihaul | " | " " " | " " " | " " " | " " " | " |
| Hosdurga | " | " " " | " " " | " " " | " 2 2 | 48 |
| Bhagada | " | " " " | " " " | " " " | " " " | " |
| | 9. | 3025 " " | | 5581 8 " | 4. 31 35. | 1236 |

Realizations from the sale of the right of selling Ganja & opium

opium have a tendency to decrease every year, the increase of Rs. 21-12-- under opium being only an accident of competition.

Incidence of Arrack revenue per head of population was 2 pies. while population per Retail License was 17,141.

Revenue from Customs & Sayer duty amounted, for the year under report, to Rs. 17,195-14-4, which compared with yield of the previous year exhibits a net decrease of Rs. 12,538-12-2, as will be seen from the following Comparative Statement.

| Items. | Realizations for 1875-76. | | | 1876-77. | | | Difference. Increase. | | | Decrease. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Areca nuts | 22,300. | 12. | 10. | 10,634 | 1. | 3. | " | " | " | 11,666. | 11. | 7. |
| Tobacco | 1,926 | 15. | 1. | 2,125. | 3. | 6. | 198 | 4. | 5 | " | " | " |
| Cocoanuts dry | 770 | 2 | 8 | 1,033 | 15. | 1. | 263 | 12. | 5 | " | " | " |
| Do green | 1,283 | 15. | 2 | 1,190 | 1. | 5 | " | " | " | 93. | 13. | |
| Betel leaves | 2,445 | 12. | 2 | 1,857 | 3. | 8 | " | " | " | 594. | 8 | |
| Piece goods | 397 | 14. | 6 | " | " | " | " | " | " | 397 | 14. | 6 |
| Miscellaneous | 608 | 15. | 7 | 361. | 2. | 5. | " | " | " | 247 | 12. | 8. |
| Total | 29,734. | 7. | 6 | 17,195 | 14. | 4. | 462 | " | 10 | 13,000 | 13. | 2 |
| Deduct Increase | | | | | | | | | | 462 | " | 10 |
| Net Decrease | | | | | | | | | | 12,538 | 12. | 2 |

The

The decrease under Areca nut, green Cocoanuts & Betel-leaves, was due to a bad crop & season, & the impediments caused by famine & diseases for the export of the first named article in stock.

The duty on the piece goods having been abolished, the decrease under that head needs no comment.

Duty levied on Tobacco & Snoffaree exported to & imported from British Territories, amounted to Rs 4,087—1—10 out of the total collections shown in the foregoing statement.

The Establishment cost was Rupees 3702—1—7, against Rs 3823—4—[illegible] in the previous year, or Rs 4—10—3 against per Cent.

The seven statements prescribed in the Chief Commissioners Proceedings No 920/21 the 29th February 1876, are appended

Commissioner